

Washington State Register

June 20, 2001

OLYMPIA, WASHINGTON

ISSUE 01-12



IN THIS ISSUE

Aging and Adult Services Administration
Agriculture, Department of
Assistance Programs, Division of
Bellingham Technical College
Blind, Department of Services for the
Community Development, Office of
Correctional Industries Board
Corrections, Department of
County Road Administration Board
Dairy Products Commission
Deaf, Washington State School for the
Eastern Washington University
Ecology, Department of
Economic Services Administration
Edmonds Community College
Employment and Assistance Programs,
Division of
Employment Security Department
Financial Institutions, Department of
Financial Management, Office of
Fish and Wildlife, Department of
Forest Practices Board
General Administration, Department of
Governor, Office of the
Health and Rehabilitative Services
Administration
Health Care Authority
Health, Department of
Hearing and Speech, Board of
Horse Racing Commission
Insurance Commissioner, Office of the
Labor and Industries, Department of
Licensing, Department of
Liquor Control Board
Lottery Commission
Medical Assistance Administration
Medical Quality Assurance Commission
Parks and Recreation Commission
Personnel Resources Board
Pierce College
Pilotage Commissioners, Board of
Public Instruction, Superintendent of
Puget Sound Clean Air Agency
Rates Management, Office of
Revenue, Department of
Salaries for Elected Officials, Washington
Citizens' Commission on
Sex Offender Treatment Advisory
Committee
Shoreline Community College
Social and Health Services, Department of
State Capitol Committee
Statewide Rehabilitation Council
Utilities and Transportation Commission
Walla Walla Community College
Wenatchee Valley College
Whatcom Community College

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) 786-6697.

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of June 2001 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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Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight 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) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the Register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **PERMANENT**-includes the full text of permanently adopted rules.
- (e) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (f) **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.
- (g) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (h) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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. Each filing is listed under the agency name and then describes the subject matter, type of filing and the WSR number. 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].

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

¹ 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.

² 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.

³ 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.

⁴ A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.

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;

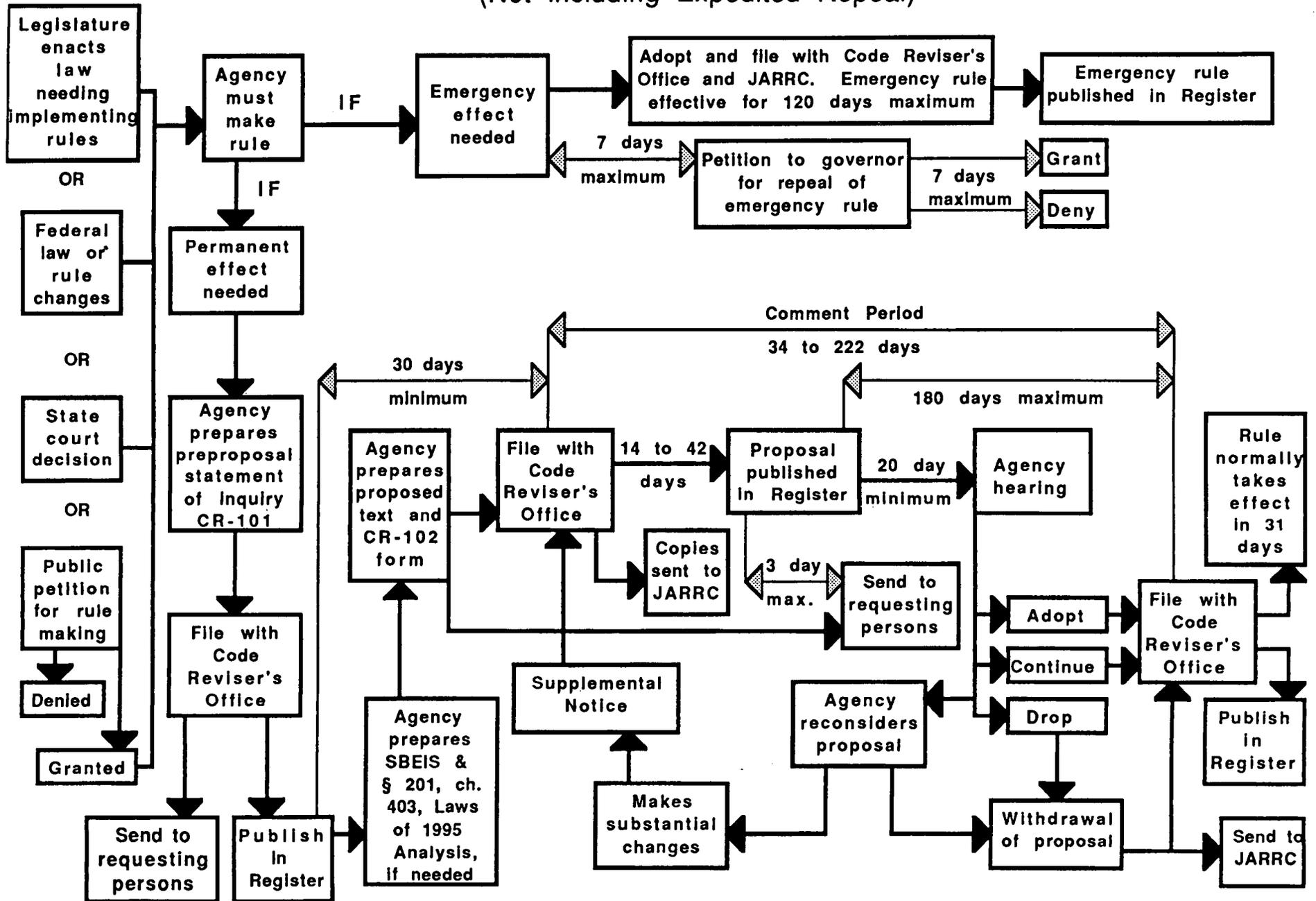
The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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 01-12-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed May 25, 2001, 9:37 a.m.]

Subject of Possible Rule Making: Amend chapter 460-33A WAC to require mortgage broker-dealers to review investor suitability on an annual basis and in relation to the investor's other mortgage paper security holdings; require certain disclosures to investors in the sale of property acquired by investors through the foreclosure process; raise the face amount of the surety bond required by WAC 460-33A-040 (1)(b) from the amount established in 1986; make technical corrections to update references in WAC 460-33A-090(3) regarding dishonest and unethical practices; articulate the fiduciary duty of mortgage broker-dealers; and to require disclosure of loan to value ratios based on the tax assessed valuation of the property, as well as the "as is" appraised value if an appraisal was obtained.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed revisions to chapter 460-33A WAC have been drafted to ensure mortgage broker-dealers review investor suitability on a periodic basis; to address concerns raised by investors in mortgage paper securities sold by mortgage broker-dealers registered in the state of Washington in connection with sales of property acquired by the investors through the foreclosure process; raise the face amount of the required surety bond from the amount established in 1986 (\$50,000) to \$100,000 in order to ensure the proceeds would be sufficient to aid investors in the event of failure of the mortgage broker-dealer; correct references to repealed provisions; ensure mortgage broker-dealers are aware of their fiduciary duty to investors; and to ensure adequate disclosure is provided to investors regarding loan to value ratios.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Securities Division is the sole securities regulator for these offerings.

Process for Developing New Rule: Negotiated rule making; and a draft of the proposed revisions to chapter 460-33A WAC is available from the Securities Division.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Faith L. Anderson, Securities Division, Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, fax (360) 704-6946, fanderson@dfi.wa.gov, Securities Division Web Site: <http://www.wa.gov/dfi/securities>.

May 23, 2001

Deborah Bortner
Director of Securities**WSR 01-12-020****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed May 25, 2001, 11:33 a.m.]

Subject of Possible Rule Making: Chapter 388-444 WAC, Food stamp employment and training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510, 74.04.057, 74.04.050, 74.04.055, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revision will simplify the language and make it easier for clients to understand the rules.

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 Department of Social and Health Services (DSHS) welcomes the public to take part in developing the rules. Anyone interested in participating should contact the person listed below. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making, and send a copy to everyone currently on the mailing list and anyone else who requests a copy. The Economic Services Administration's regulatory improvement team will also review these rules before adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Forslin, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5470, (360) 413-3233, fax (360) 413-3494, TTY (360) 413-3001, e-mail forswc@dshs.wa.gov.

May 22, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit**WSR 01-12-033****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed May 29, 2001, 11:12 a.m.]

Subject of Possible Rule Making: Visitation of offenders housed in correctional facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will contain procedures on the visitation of offenders in correctional institutions. These rules are essential to maintaining safety and security within the correctional institutions.

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 department invites interested parties to review and provide input on the proposed rules. The contemplated rules will be substantially identical to chapter 275-80 WAC, which was repealed. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Rules, Contracts and Public Disclosure, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 586-2160, fax (360) 664-2009, e-mail jrnispel@doc1.wa.gov.

May 24, 2001
Joseph D. Lehman
Secretary

WSR 01-12-053
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket No. A-010648—Filed June 1, 2001, 3:38 p.m.]

Subject of Possible Rule Making: Examine the need to reorganize, revise, repeal, and adopt rules governing the conduct of business before the commission, including rules governing formal proceedings, such as the rules presently codified in chapter 480-09 WAC, Procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4) and 34.05.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is important that there be clearly stated methods and opportunities to interact with the commission in adjudications, rule makings, and in the conduct of other business. The commission's experience since it last revised rules governing the conduct of business before the commission demonstrate the need to inquire into existing procedures and consider whether new or amended rules are required. New or amended rules may be needed to improve the handling of confidential documents, discovery in adjudicative proceedings, and other processes routinely undertaken in the conduct of commission business.

Process for Developing New Rule: Agency study; and the commission will schedule one or more workshops with representatives of affected constituencies in a manner designed to develop consensus among affected interests regarding any rule proposal. The first workshop is scheduled for June 22, 2001, at 1:30 p.m., at the commission's office in Olympia, Washington. The commission will ask for initial written comments by July 13, 2001, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

For specific information regarding opportunities for written comment, opportunities for participation in workshops, and to ensure receipt of further information concerning this rule making, please see below.

Interested persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

NOTICE OF WORKSHOP: An initial workshop will be held on June 22, 2001, beginning at 1:30 p.m., in Commission Room 108, First Floor, Chandler Plaza, 1300 South Evergreen Park Drive S.W., Olympia, WA. Although interested persons are strongly encouraged to participate in person, the commission's teleconference bridge line will be available for this workshop. A limited number of teleconference ports are available and will be assigned one to an organization, first come first served. Persons wishing to attend via the teleconference bridge line must contact Kippi Walker at (360) 664-1139 no later than 5:00 p.m., June 20, 2001. Questions may be addressed to Dennis Moss at (360) 664-1164 or via e-mail at dmoss@wutc.wa.gov. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons who specifically ask to receive future notices in this rule-making proceeding.

WRITTEN COMMENTS: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. A-010648, not later than July 13, 2001. All commenters are asked, but not required, to file their comments electronically. The commission prefers to receive comments either via e-mail attachment (addressed to records@wutc.wa.gov) or on a 3 1/2 inch IBM formatted high-density disk, in .pdf format and either MSWord 97 or later, or WordPerfect version 5.1 or later, labeled with the docket number of this proceeding and the commenter's name and type of software used. If you are unable to file your comments electronically, please file the original and sixteen copies of your comments with the commission secretary at the address indicated above. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described above and in any other workshop that may be scheduled.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **Any person who submits comments will automatically continue to receive notices and information. If you do not submit comments but wish to be on the mailing list for this rule-making, please advise the records center by one of the following methods:** (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. A-010648, and the words "Please include me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing

Docket No. A-010648, and the words "Please include me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <http://www.wutc.wa.gov/>. **IF YOU DO NOT SUBMIT COMMENTS OR ADVISE THE RECORDS CENTER OF YOUR INTEREST, YOU MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

June 1, 2001
Carole J. Washburn
Secretary

Process for Developing New Rule: Agency study; and industry participation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516-5703, (360) 459-6462, fax (360) 459-6461, e-mail whrc@whrc.state.wa.us.

May 31, 2001
Bruce Batson
Executive Secretary

WSR 01-12-059

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed June 4, 2001, 9:23 a.m.]

Subject of Possible Rule Making: WAC 260-75-010
Satellite locations daily fee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Strike this rule in its entirety. Unnecessarily harmful to the industry.

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 Bruce Batson, Executive Secretary, Washington Horse Racing Commission, 7912 Martin Way, Suite D, Olympia, WA 98516-5703, (360) 459-6462, fax (360) 459-6461, e-mail whrc@whrc.state.wa.us.

May 31, 2001
Bruce Batson
Executive Secretary

WSR 01-12-060

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed June 4, 2001, 9:25 a.m.]

Subject of Possible Rule Making: New rule relating to rebating practices by associations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adding a new rule relating to the practice of rebating by association to lure certain individuals to their establishments. Rules would aid in the regulation and possible enforcement.

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

WSR 01-12-077

PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed June 5, 2001, 11:25 a.m.]

Subject of Possible Rule Making: The commission is considering the adoption of new administrative rules under Title 352 WAC, Parks and Recreation Commission, to establish the requirements and the administrative authority for issuing permits to parties interested in making improvements to any state park or parkway as provided for in RCW 79A.05.140. The commission is also considering the appropriate methods for providing public access to any interpretive or administrative policy governing such permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.070, 79A.05.075, 79A.05.140, 79A.05.145, 79A.05.150, and 79A.05.155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 79A.05.140 establishes the commission's authority to grant permits to parties interested in making improvements to any state park or parkway. The commission is considering rule-making action to implement this statute and is considering delegating the authority for issuing permits for park improvements to the agency director or designee. The commission believes this action will provide interested parties with the appropriate means to donate funds, materials and labor to create safe, cost effective park improvements and to increase outdoor recreation opportunities for the benefit of state park visitors and resources in the state park system.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Parks and Recreation Commission has final authority and overall responsibility for granting permits for improvement of state park properties. State park staff have reviewed risk management issues regarding volunteer labor with the state Department of Labor and Industries, and prevailing wage regulations and public works contracts with the Washington State Department of Labor and Industries and Washington State Department of General Administration.

Process for Developing New Rule: Agency study; and quality improvement charter team.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Randall at Washington State Parks and Recreation, P.O. Box 42650, Olympia, WA 98504-2650, fax (360) 586-5875, phone (360) 902-8528 or e-mail Kathy.Randall@parks.wa.gov.

June 4, 2001

Jim French
Senior Policy Advisor

WSR 01-12-078

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed June 5, 2001, 11:31 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, 17.10.070, 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 it accurately reflects noxious weed control priorities and noxious weed distribution.

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 Control Board (board) annually solicits suggestions from county programs, state and federal agencies, interest groups, and the general public by a series of extensive mailings. The Noxious Weed Committee of the board, which includes representation from the Washington Native Plant Society, county weed boards, the nursery industry, and several scientific advisors, meets at least twice to review and research the suggestions. These draft suggestions are sent out again for public comment before the Noxious Weed Committee drafts its final recommendation to the board. The board will then consider these recommendations and draft a final rule-making proposal. Public comment is welcome at all committee and board meetings. A press release and information mailing is prepared on the recommended changes and a public hearing is scheduled. The board makes its final decision after considering the public input received at the hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Lantz, Washington State Noxious

Weed Control Board, 7611 Pioneer Way East, Puyallup, WA 98371, phone (253) 445-4593, fax (253) 445-4533.

June 4, 2001

Lisa E. Lantz
Executive Secretary

WSR 01-12-080

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 5, 2001, 1:37 p.m.]

Subject of Possible Rule Making: Definition of extenuating circumstances in the coastal crab fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has passed a bill that requires the department to consider extenuating circumstances in the assigning of crab pot limits to individual fishers. The department will review the circumstances particular to this fishery and determine what factors are extenuating.

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 Phil Anderson, Special Assistant Director for Intergovernmental Programs, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2720. Contact by July 31, 2001, expected proposal filing August 1, 2001.

June 5, 2001

Evan Jacoby
Rules Coordinator

WSR 01-12-081

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 5, 2001, 1:58 p.m.]

Subject of Possible Rule Making: Commercial licensing application deadlines.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature passed SB 5443, which allows an heir or estate a reasonable period of time to make an application to renew a license that expired after a decedent failed to renew during the year of the demise. The department will adopt a rule that incorporates a "reasonable period."

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 Jim Lux, Management Services Program, Assistant Director, 600 Capitol Way, Olympia, WA 98501-1091, phone (360) 902-2444. Contact by July 31, 2001, expected proposal filing August 1, 2001.

June 5, 2001
Evan Jacoby
Rules Coordinator

WSR 01-12-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 6, 2001, 9:09 a.m.]

Subject of Possible Rule Making: Physician and physician assistant fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.71A.020, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Creating a new fee for those transitioning from a limited license to a full license; (2) revising the description of the "impaired physicians program" fee which is confusing, not to change the fee; (3) removing language of the "one year renewal that is no longer necessary; and (4) correcting typographic error for the expired license reissuance fee that is set by WAC.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly A. Teeter, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4788, fax (360) 586-4573.

M. C. Selecky
Secretary

WSR 01-12-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 6, 2001, 9:11 a.m.]

Subject of Possible Rule Making: To establish an endorsement for dental assistants and dental hygienists to apply sealants and fluoride varnishes to low income, rural and at risk populations in coordination with local public health jurisdictions and local oral health coalitions through school based programs. Also, to establish an endorsement fee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 93, Laws of 2001 (SSB 6020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish the Washington state endorsement education program requirements; to define "in coordination with local health jurisdictions and local oral health coalitions"; to define "low income, rural and at risk populations"; to establish an endorsement fee for dental assistants and dental hygienists. The legislature has required the department to develop rules to address the problem of poor access to oral health care. Establishing an endorsement program will encourage the promotion of dental health.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A questionnaire will be mailed to all interested parties - provide in writing to Carol Lewis, Health Administrator, (360) 236-4857, or Lisa Anderson, Program Manager, (360) 236-4863, P.O. Box 47867, Olympia, WA 98504-7867, fax (360) 664-9077.

M. C. Selecky
Secretary

WSR 01-12-102

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket No. UT-010558—Filed June 6, 2001, 11:42 a.m.]

Subject of Possible Rule Making: Examine the need to adopt rules relating to cessation of telecommunications services including but not limited to notice requirements, services covered, and responsibilities of remaining companies, WAC 480-120-083.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4) and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed because changing conditions in the telecommunications industry may, without warning, cause business failures and decisions to exit the market. Rules may assist in the orderly transition of service to protect public health, safety, and economic vitality.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments, and will provide the opportunity for additional comments. The commission has scheduled a workshop for representative of affected constituencies in a manner designed to develop consensus amount affected interests regarding any rule proposal. The time and place of the workshop is set out below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South

Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150.

Interested persons may submit comments, as specified below, or may ask to be included in the commission's list of interested persons for the proceeding.

NOTICE OF WORKSHOP: A workshop will be held on June 28, 2001, beginning at 9:00 a.m., Attorney General's Office, 24th Floor Training Room, Bank of California, 900 4th Avenue, Seattle, WA. Questions may be addressed to Tom Wilson at (360) 664-1293 or via e-mail at tomw@wutc.wa.gov. The commission will provide written notice of any additional preproposal workshops to all commenters and to any other persons who specifically ask to receive future notices in this rule-making proceeding.

WRITTEN COMMENTS: Written comments in response to the CR-101 from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-010558, not later than July 13, 2001. All commenters are asked, but not required, to file their comments electronically. The commission prefers to receive comments either via e-mail attachment (addressed to records@wutc.wa.gov) or on a 3 1/2 inch IBM formatted high-density disk, in .pdf format and either MSWord 97 or later, or WordPerfect version 5.1 or later, labeled with the docket number of this proceeding and the commenter's name and type of software used. If you are unable to file your comments electronically, please file the original and eleven copies of your comments with the commission secretary at the address indicated above. The commission may offer additional opportunities to provide written comments. Interested persons may file additional written comments in response to any such invitation. Interested persons may also attend and participate in the workshop described above and in any other workshop that may be scheduled.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **Any person who submits comments will automatically continue to receive notices and information. If you do not submit comments but wish to be on the mailing list for this rule-making, please advise the records center by one of the following methods:** (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket No. UT-010558, and the words "Please include me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket No. UT-010558, and the words "Please include me on the mailing list" to records@wutc.wa.gov. Please note that all information in the mailings will be accessible through the commission's Internet web site at <http://www.wutc.wa.gov/>. **IF YOU DO NOT SUBMIT COMMENTS OR ADVISE THE RECORDS CENTER OF YOUR INTEREST, YOU MAY NOT**

RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

June 6, 2001
C. Robert Wallis
for Carole J. Washburn
Secretary

NO EXPEDITED REPEALS FILED IN THIS ISSUE

EXPEDITED REPEAL



WSR 01-12-036
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 29, 2001, 3:33 p.m.]

In WSR 01-06-057, Aging and Adult Services, Office of Rates Management (ORM), proposed a change to WAC 388-96-310(1). At this time, ORM would like to withdraw this proposed amendment for further analysis.

Brian Lindgren, Manager
 Rules and Policies Assistance Unit

WSR 01-12-048
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 31, 2001, 4:32 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-16-001.

Title of Rule: Chapter 392-138 WAC, Finance—Associated student body moneys.

Purpose: Amend rules to reflect changes in law made by the legislature during the 2000 session. Subject to appropriate district policies, student groups, in their private capacities, may conduct fundraising activities for the purpose of generating nonassociated student body (i.e. not public funds).

Other Identifying Information: Student groups—Charitable fundraising.

Statutory Authority for Adoption: RCW 28A.325.020.

Statute Being Implemented: Chapter 157, Laws of 2000.

Summary: Legislative changes now permit students to conduct fundraising activities generating private (not public) funds and broadening the purposes for which they may be used. Current rules are inconsistent with those changes.

Reasons Supporting Proposal: The new legislation was, in part, the result of a grassroots effort by students and districts and supported by OSPI. No financial impact to the school districts should result.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 753-2298; Implementation: Allen Jones, Office of Superintendent of Public Instruction, (360) 753-6708; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 753-1718.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In part as the result of grassroots efforts, the 2000 legislature revised the associated student body statute to permit fund raising by student groups for private purposes. District policy is needed to define the types of activities permitted and insure appropriate accountability, including holding the private funds in trust. Such moneys are nonassociated

student body private (not public) funds. Notice of this and the intended use must be given prior to collection of such funds.

There is no anticipated financial impact on the school districts.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, on July 17, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by July 16, 2001, TDD (360) 664-3631.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by July 16, 2001.

Date of Intended Adoption: July 18, 2001.

May 29, 2001

Dr. Terry Bergeson
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-138-003 Authority. The authority for this chapter is RCW 28A.325.020 which authorizes the superintendent of public instruction to (~~promulgate~~) adopt rules and regulations regarding the administration and control of associated student body moneys.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-138-005 Purposes. The purposes of this chapter are to:

- (1) Implement RCW 28A.325.020(~~;~~);
- (2) Designate the powers and responsibilities of the board of directors of each school district regarding the efficient administration, management, and control of moneys, records, and reports of associated student body funds(~~;~~ ~~and~~);
- (3) Encourage the supervised self-government of associated student bodies; and
- (4) Permit fund-raising activities by students in their private capacities for the purpose of generating nonassociated student body private moneys.

AMENDATORY SECTION (Amending Order 84-15, filed 6/13/84)

WAC 392-138-010 Definitions. (1) "Associated student body organization" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of directors of a school district in compliance with this chapter.

PROPOSED

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body public moneys" means fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature, revenues derived from "associated student body programs" as defined in subsection (2) of this section, and any other moneys received by an associated student body, not specified in subsection (5) of this section and WAC 392-138-100, for the support of an associated student body program.

(5) ~~"((Associated)) Nonassociated student body private moneys" means ((bona fide voluntary donations that are identified as donations at the time of collection)) moneys generated by fund-raising activities or solicitation of donations by student groups in their private capacities for private purposes and/or private gifts and contributions.~~

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized group of students appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district.

(7) ~~"((Bona fide voluntary donations" means collections of money freely given without commensurate goods or services being received directly or indirectly by the donor. Bona fide voluntary donations must be intentional, real, actual, genuine, and not feigned.)) "Trust fund" means a fund used to account for assets held by the district in a trustee capacity for the specific purpose designated by the fund-raising group and described in the notice provided to donors prior to the fund-raising event. Such moneys must be accounted for separately from associated student body public moneys.~~

(8) "Held in trust" means held as private moneys either within a separate account within the associated student body fund or in a trust fund to be disbursed exclusively for an intended purpose.

NEW SECTION

WAC 392-138-011 Formation of associated student bodies required. The formation of an associated student body shall be mandatory and a prerequisite whenever one or more students of a school district engage in money-raising activities with the approval and at the direction or under the supervision of the district: Provided, That the board of directors of a school district may act, or delegate the authority to an employee(s) of the district to act, as the associated student body governing body for any school facility within the district containing no grade higher than the sixth grade.

NEW SECTION

WAC 392-138-013 Powers—Authority and policy of board of directors. (1) The board of directors of each school district shall:

(a) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.320.010 (Corporate powers), RCW 28A.150.070 (General public school system administration), RCW 28A.320.030 (Gifts, conveyances, etc., for scholarship and student aid purposes, receipts and administration), RCW 28A.600.010 (Government of schools, pupils, and employees), RCW 28A.320.040 (Bylaws of board and school government), RCW 28A.400.030 (2) and (3) (Superintendent's duties), RCW 28A.600.040 (Pupils to comply with rules and regulations), RCW 43.09.200 (Local government accounting—Uniform system of accounting), RCW 36.22.090 (Warrants of political subdivisions), and chapter 28A.505 RCW (School district budgets);

(b) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

(i) The identification of those activities which shall constitute the associated student body program;

(ii) The establishment of an official governing body representing the associated student body;

(iii) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

(iv) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student subgroup organizations affiliated with an associated student body;

(c) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level;

(d) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body public moneys and nonassociated student body private moneys if held as private moneys within the associated student body fund shall be budgeted and disbursed; and

(2) If the district permits students to conduct fund-raising activities and solicitation of donations in their private capacities, they shall establish policies to permit such activities and the allowable uses of such moneys. The board policy and/or procedures must include the approval process for such activities as well as provisions to ensure appropriate accountability for these funds, which are required to be held in trust.

NEW SECTION

WAC 392-138-014 Accounting procedures and records. Associated student body public and nonassociated student body private moneys shall be accounted for as follows:

(1) Accounting methods and procedures shall comply with such rules and regulations and/or guidelines as are developed by the state auditor and the superintendent of public instruction and published in the *Accounting Manual for Public Schools in the State of Washington* and/or other publications;

(2) Whenever two or more associated student bodies exist within a school district, the accounting records shall be maintained in such a manner as to provide a separate accounting for the transactions of each associated student body in the associated student body program fund;

(3) The fiscal and accounting records of associated student body program moneys shall constitute public records of the school district, shall be available for examination by the state auditor, and shall be preserved in accordance with statutory provisions governing the retention of public records; and

(4) Nonassociated student body private moneys shall be held in trust by the school within the associated student body fund or within a trust fund and be disbursed exclusively for such purposes as the student group conducting the fund-raising activity shall determine, subject to applicable school board policies. The district shall either withhold or otherwise be compensated an amount from such moneys to pay its direct costs in providing the service. Such funds are private moneys, not public moneys under section 7, Article VIII of the state Constitution.

NEW SECTION

WAC 392-138-017 Segregation of public and private moneys. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010 (4) and (5), two separate sets of accounts shall be maintained. In addition, separate accounting records should be maintained by organization or purpose including clubs, classes, athletic activities, private purpose fund-raising events and general associated student body.

NEW SECTION

WAC 392-138-018 Petty cash funds. The board of directors of a school district may authorize the establishment and maintenance of associated student body petty cash funds for use in instances when it is impractical to make disbursement by warrant or check, subject to the following conditions:

- (1) A petty cash fund shall be initiated by warrant or check;
- (2) Paid-out receipts shall constitute invoices for the purpose of vouchering; and
- (3) An upper limit of the amount of the petty cash fund shall be established by the board of directors.

NEW SECTION

WAC 392-138-019 Compliance with bid law required. The statutory provisions of RCW 28A.335.190, the so-called "bid law" governing school district purchasing

procedures, shall govern purchases payable from the associated student body funds.

NEW SECTION

WAC 392-138-021 Title to property—Dissolution of associated student body or affiliated group. Title to all such property acquired through the expenditure of associated student body public moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then:

(1) The school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization; and

(2) The records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records.

NEW SECTION

WAC 392-138-105 Fees optional noncredit extracurricular events. The board of directors of any common school district may establish and collect a fee from students and non-students as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: Provided, That in so establishing such fee or fees, the district shall adopt policies for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt policies which state that:

- (1) Attendance and the fee are optional; and
- (2) The district will waive and reduce fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies.

NEW SECTION

WAC 392-138-110 Associated student body public moneys—Associated student body program budget. Each associated student body of a school district, with the guidance of the primary advisor, and at such time as is designated by the central district office, annually shall prepare and submit a

financial plan (budget) for support of the associated student body program to the district superintendent or his/her designee for consolidation into a district associated student body program fund budget and then present such budget to the board of directors of the district for its review, revision, and approval: Provided, That revisions of the budget submitted by an associated student body and revisions of the budget approved by the board of directors shall first be reviewed by the associated student body and, in the case of an approved budget, shall be subject to the requirements of chapter 28A.505 RCW regarding emergency expenditures or budget extensions. The budget as approved shall constitute an appropriation and authorization for the disbursement of funds for the purposes established in the budget.

NEW SECTION

WAC 392-138-115 Associated student body public moneys—Deposit and investment. All associated student body public moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and shall be accounted for, expended, and invested subject to the practices and procedures governing other moneys of the district except as such practices and procedures are modified by or pursuant to this chapter.

NEW SECTION

WAC 392-138-120 Associated student body public moneys—Imprest bank checking account. The board of directors of a school district may authorize the establishment and maintenance of an associated student body imprest bank checking account for convenience and efficiency in expediting disbursements, subject to the following conditions:

- (1) The maximum amount of such an account shall be no more than is necessary to provide for disbursements at the level of the month of highest estimated demand for disbursements;
- (2) An imprest bank checking account shall be initiated by deposit of, and replenished by, a warrant drawn on the associated student body program fund;
- (3) Disbursements from an imprest bank checking account shall be by check and shall be restricted to payments of invoices bearing evidence of student approval in accordance with associated student body bylaws;
- (4) An imprest bank checking account shall be replenished at least once each month by a warrant drawn on the associated student body program fund in payment of an approved voucher in an amount equal to the sum total of the disbursements made by check from the imprest bank checking account during the preceding interval; and
- (5) The replenishment voucher shall reflect such information as the central district office shall prescribe relative to identification of invoices, invoice approvals, codification of expenditures, cancelled checks, and other information deemed pertinent.

NEW SECTION

WAC 392-138-125 Associated student body public moneys—Disbursement approval—Total disbursements. Associated student body public moneys shall be disbursed subject to the following conditions:

- (1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;
- (2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe;
- (3) All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of approval by the associated student body governing body in accordance with associated student body bylaws;
- (4) When an account within the fund balance of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the fund balance: Provided, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body bylaws and as approved by the associated student body governing body;
- (5) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and
- (6) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

NEW SECTION

WAC 392-138-130 Associated student body public moneys—League and other joint activities. Athletic league and other forms of joint inter and intra school district associated student body programs are not precluded by this chapter. In the case of such joint programs, a single school district or associated student body or a board representing the participating associated student bodies shall manage associated student body moneys made available to it for the support of the joint program and received as a result of the conduct of such program, in compliance with this chapter and a written cooperative agreement authorized by the board(s) of directors of the district(s).

NEW SECTION

WAC 392-138-200 Nonassociated student body private moneys. The board of directors of a school district may permit student groups to raise moneys through fund-raising or solicitation in their private capacities when the following conditions are met:

- (1) Prior to solicitation of such funds, the school board approves policies defining the scope and nature of fund-raising permitted. School board policy includes provisions to ensure appropriate accountability, including prompt deposit,

holding the moneys in trust, and disbursement only for the intended purpose of the fund-raiser;

(2) Such funds are used for scholarship, student exchange, and/or charitable purposes. Charitable purposes do not include any activity related to assisting a campaign for election of a person to an office or promotion or opposition to a ballot proposition;

(3) Prior to solicitation of such funds notice is given. Such notice identifies the intended purpose of the fund-raiser, further it states the proceeds are nonassociated student body funds to be held in trust by the school district exclusively for the intended purposes;

(4) The school district withholds or otherwise is compensated an amount adequate to reimburse the district for its direct costs in handling these private moneys; and

(5) WAC 392-138-205 applies to moneys received, deposited, invested, and accounted for under this section.

Nonassociated student body private moneys shall not be deemed public moneys under section 7, Article VIII of the state Constitution.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

NEW SECTION

WAC 392-138-205 Nonassociated student body private moneys—Deposit and investment. All nonassociated student body private moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the school district's trust fund or the associated student body fund, if held in trust within that fund within accounts as defined in WAC 392-138-010 and shall be accounted for, expended, and invested subject to applicable school board policy and/or procedures pursuant to WAC 392-138-200.

NEW SECTION

WAC 392-138-210 Nonassociated student body private moneys—Disbursement approval—Total disbursements. Nonassociated student body private moneys shall be disbursed subject to the following conditions:

(1) If such funds are held in trust within the associated student body fund, they shall be budgeted pursuant to WAC 392-138-013 (1)(d). No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-110. All disbursements shall have the prior written approval of the associated student body or such other authority designated in school district policy or procedures;

(2) If such funds are held in a trust fund, they are not budgeted. Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (3) of this section;

(3) Vouchers authorizing disbursements shall be accompanied by written evidence of approval of disbursement by

the associated student body or other authority designated in the school district's policies and procedures;

(4) Disbursements shall be made only for the intended purposes pursuant to WAC 392-138-200.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-138-012	Fees optional noncredit extracurricular events.
WAC 392-138-016	Scholarships, student exchange and charitable purposes—ASB private moneys.
WAC 392-138-025	Formation of associated student bodies required.
WAC 392-138-030	Powers—Authority and policy of board of directors.
WAC 392-138-035	Deposit and investment of associated student body moneys.
WAC 392-138-040	Associated student body program budget.
WAC 392-138-045	Accounting procedures and records.
WAC 392-138-047	Segregation of accounts—Public and private moneys.
WAC 392-138-050	Disbursement approval—Total disbursements.
WAC 392-138-055	Imprest bank checking account.
WAC 392-138-060	Petty cash funds.
WAC 392-138-065	Compliance with bid law required.
WAC 392-138-070	District assumption of existing indebtedness permitted.
WAC 392-138-071	Public moneys—Previous law.
WAC 392-138-075	Title to property—Dissolution of associated student body or affiliated group.
WAC 392-138-080	Disposition of preexisting associated student body cash and investment.
WAC 392-138-085	League and other joint activities.
WAC 392-138-100	Student aid donations and other nonassociated student body moneys.

PROPOSED

WSR 01-12-051
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed June 1, 2001, 10:02 a.m.]

Original Notice.

Title of Rule: Title 136 WAC.

Purpose: Amends WAC 136-210-020 Applicable design standards, 136-150-020 Implementing the eligibility requirement, 136-150-022 Ascertaining the expenditures for traffic law enforcement, 136-150-023 Identifying eligible counties, 136-150-030 Certification required, and 136-150-040 Post audit penalty.

Statutory Authority for Adoption: Chapter 36.79 RCW.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Pendleton, Olympia, (360) 753-5989; and Enforcement: Jay P. Weber, 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: Amendments are grammatical and clean up.

Proposal Changes the Following Existing Rules: Amends WAC 136-210-020, 136-150-020, 136-150-022, 136-150-023, 136-150-024, 136-150-030, and 136-150-040, the rural arterial program.

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

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

Hearing Location: 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, on July 19, 2001, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Pendleton by July 13, 2001, TDD (800) 833-6384, or (360) 753-5989.

Submit Written Comments to: Karen Pendleton, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98504-0913, fax (360) 586-0386, by July 13, 2001.

Date of Intended Adoption: July 19, 2001.

May 31, 2001

Jay P. Weber

Executive Director

AMENDATORY SECTION (Amending WSR 96-17-013, filed 8/12/96, effective 9/12/96)

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 city and county design standards for the construction of urban and rural arterials and collectors as ~~((adopted November 30, 1994,))~~ they may be revised from time to time in accordance with RCW 35.78.030 and 43.32.020.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-020 Implementing the eligibility requirement. The county road administration board 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 amount actually spent each year for traffic law enforcement will be compared with the amount diverted to determine whether or not the county is eligible to receive RATA funds.))~~

AMENDATORY SECTION (Amending WSR 00-18-021, filed 8/28/00, effective 9/28/00)

WAC 136-150-022 Ascertaining the expenditures for traffic law enforcement. In those counties in which ~~((road fund dollars or))~~ diverted road levy or transfer of road funds has been budgeted for traffic law enforcement, the county sheriff shall submit a certification showing the actual expenditure for traffic law enforcement in the previous budget year, provided that counties with a population of less than eight thousand shall be exempt from this requirement. Such certification shall be submitted to the county road administration board no later than March 15 of each year.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

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 ~~((;))~~ either the amount of diverted road levy budgeted for traffic law enforcement or the amount of road funds transferred to current expense to fund traffic law enforcement;
- (3) Those in which road funds being transferred to other funds are being used for legitimate road purposes;
- (4) Those with a population of less than eight thousand; and
- ~~((4))~~ (5) 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 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-024 Constraint of contract execution. The county road administration board shall not execute a contract with any county for any RAP project unless the appropriate certifications have been submitted and unless the county has been identified as being eligible to receive RATA funds.

PROPOSED

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-030 Certification required. The contract between the county road administration board and a county relative to a RAP project shall contain a certification, signed by the county executive or chair of the board of county commissioners, as appropriate, that the county is in compliance with the provisions of this chapter.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-150-040 Post audit penalty. Every RAP project shall be subject to final examination and audit by the state auditor. In the event such an examination reveals an improper certification on the part of a county relative to compliance with provisions of this chapter, the matter shall be placed on the agenda of the next meeting of the county road administration board (~~((meeting))~~) and may be cause for the ~~((county road administration))~~ board to withdraw or deny the certificate of good practice of that county(~~((and/or to))~~). The board may also require that all(~~((;))~~) or part of(~~((;))~~) the RATA funds received by the county be returned to the county road administration board.

WSR 01-12-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed June 1, 2001, 3:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-17-002.

Title of Rule: Chapter 388-458 WAC, Notices and letters.

Purpose: This WAC chapter advises clients about the letters they may receive from the department. It explains when the department sends letters; what information is included on the letters; the timeframes for sending the letters; and the clients' rights regarding notification from the department.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: This chapter is being amended to clarify the department's policy regarding client notification requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Veronica Barnes, Division of Employment and Assistance Programs, Lacey, Washington, (360) 413-3071.

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

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

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

Proposal Changes the Following Existing Rules:

WAC #/Title	What Has Changed:
388-458-0001 How the department requests information or action needed when a client applies for assistance or reports a change.	Repealed.
388-458-0002 The Department of Social and Health Services (DSHS) sends you letters to tell you about your case.	<ul style="list-style-type: none"> Identifies the types of letters clients may get. Requires the department to send letters in the client's primary language.
388-458-0005 Adequate notice of denial or withdrawal.	Repealed.
388-458-0006 [DSHS sends you a letter when you withdraw your application.]	New WAC: Describes when the department sends withdrawal letters and what is included on the letter.
388-458-0010 Adequate notice of adverse action to recipients.	Repealed.
388-458-0011 DSHS sends you a denial letter when you can't get benefits.	New WAC: Describes when the department sends denial letters and what is included on the letter.
388-458-0015 Translation of written communications with limited English proficient clients.	Repealed.
388-458-0016 DSHS sends you an approval letter when you can get benefits.	New WAC: Describes when the department sends approval letters and what is included on the letter.
388-458-0020 You get a request letter when we need more information.	New WAC: Describes when the department sends request letters and what is included on the letter.
388-458-0025 We send you a change letter if the amount of benefits you are getting is changing.	New WAC: Describes when the department sends change letters and what is included on the letter.
388-458-0030 We send you a termination letter when your benefits stop.	New WAC: Describes when the department sends termination letters and what is included on the letter.

PROPOSED

388-458-0035 Why do you give me ten days notice before you reduce or stop my benefits?	New WAC: Explains why we give advance notice to clients before reducing or stopping benefits.
388-458-0040 What happens if I ask for a fair hearing before the change happens?	New WAC: Explains what happens when a client requests a fair hearing before the department's action becomes effective.
388-458-0045 Will I get other kinds of letters?	New WAC: Gives examples of other letters the department may send to clients.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. This rule does not fit the definition of a significant legislative rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 10, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact DSHS Rules Coordinator by July 2, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 10, 2001.

Date of Intended Adoption: No sooner than July 11, 2001.

May 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-458-0002 The department of social and health services (DSHS) sends you letters to tell you about your case. (1) When you apply for or get benefits, we send you letters to tell you about your case.

(2) If you speak another language and cannot read English, we will send letters to you in your primary language.

(3) There are seven basic types of letters that we send to you:

- (a) Withdrawals;
- (b) Denials;
- (c) Approvals;
- (d) Requests;
- (e) Changes;
- (f) Terminations; and
- (g) Other.

NEW SECTION

WAC 388-458-0006 DSHS sends you a letter when you withdraw your application. (1) We send you a with-

drawal letter when you tell us that you no longer want to apply for benefits.

(2) On this letter, we tell you:

- (a) The date we stopped processing your application; and
- (b) Your right to have your case reviewed or ask for a fair hearing.

(3) We send this letter to you according to the rules in chapter 388-406 WAC.

NEW SECTION

WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits. (1) When we finish processing your application, we send you a denial letter if you cannot get benefits.

(2) On this letter, we tell you:

- (a) Why you cannot get benefits;
- (b) The rules that support our decision;
- (c) The date we stopped processing your application; and
- (d) Your right to have your case reviewed or ask for a fair hearing.

(3) If we are denying your application because you did not give us some information that we needed and we can't figure out if you are eligible without it, we also tell you on the letter:

- (a) What information you didn't give to us;
- (b) The date we asked for the information and the date it was due;
- (c) That we cannot figure out if you can get benefits without this information; and
- (d) That we will review your eligibility if:
 - (i) For cash and medical, you give us the information within thirty days of the date of the notice;
 - (ii) For food assistance, you give us the information within sixty days of the date you applied; and
 - (iii) Your circumstances have not changed.

(4) We send denial letters to you according to the rules in chapter 388-406 WAC.

NEW SECTION

WAC 388-458-0016 DSHS sends you an approval letter when you can get benefits. (1) When we finish processing your application, we send you an approval letter if you can get benefits.

(2) On this letter, we tell you:

- (a) What kind of benefits you get;
- (b) If you applied for cash or food assistance, the amount of benefits you get;
- (c) If you applied for medical, what type of medical;
- (d) How long you will get the benefits; and
- (e) Your right to have your case reviewed or ask for a fair hearing.

(3) We send approval letters to you according to the rules in chapter 388-406 WAC.

NEW SECTION

WAC 388-458-0020 You get a request letter when we need more information. (1) We send a request letter to you

PROPOSED

when we need some information from you or you have to do something in order to get benefits.

(2) On the letter, we tell you:

- (a) What is needed;
- (b) The date it is due; and
- (c) What will happen to your benefits if you don't do what we ask.

(3) You get at least ten days to give us the information or do the activity. You can ask for more time if you need it.

(4) If the tenth day is on a weekend or holiday, you have until the next business day to do what we need.

(5) If we don't get what we need by the due date, we may deny, reduce, or stop your benefits. We will send you another letter if this happens.

NEW SECTION

WAC 388-458-0025 We send you a change letter if the amount of benefits you are getting is changing. (1) We send you a change letter if the amount of benefits you are getting is changing.

(2) On the letter, we tell you:

- (a) What your benefits are changing to;
- (b) When the change is going to happen;
- (c) The reason for the change;
- (d) The rules that support our decision; and
- (e) Your right to have your case reviewed or ask for a fair hearing.

(3) We send the letter to you before the change happens. If your benefits are going down, we give you at least ten days notice unless:

- (a) You ask us to reduce your benefits;
- (b) We have to change benefits for a lot of people at once because of a law change;
- (c) For cash and food assistance:
 - (i) We told you on your approval letter that your benefits might change every month; or
 - (ii) We already told you that the supplement would end.
- (d) For cash assistance, we told you that the AREN payment described in WAC 388-436-0002 was for one month only.

(4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.

(5) If we don't have to give you ten days notice, we send the letter to you:

- (a) For cash and medical, by the date of the action.
- (b) For food assistance, by the date you normally get your benefits.

NEW SECTION

WAC 388-458-0030 We send you a termination letter when your benefits stop. (1) We send you a termination letter when your benefits stop.

(2) On the letter, we tell you:

- (a) When your benefits are going to end;
- (b) The reason they are ending;
- (c) The rules that support our decision; and
- (d) Your right to have your case reviewed or ask for a fair hearing.

(3) We tell you at least ten days before your benefits end unless;

- (a) You asked us to stop your benefits;
- (b) We have proof that everyone in your assistance unit has moved to another state or will move to another state before the next benefits are issued;
- (c) We have proof that everyone in your assistance unit has died;
- (d) We have to change benefits for a lot of people at once because of a law change; or
- (e) For food assistance, your certification period is ending.

(4) The ten-day count starts on the day we mail or give you the letter and ends on the tenth day.

(5) If we don't have to give you ten days notice, we send the letter to you:

- (a) For cash and medical, by the date of the action.
- (b) For food assistance, by the date you normally get your benefits.

NEW SECTION

WAC 388-458-0035 Why do you give me ten days notice before you reduce or stop my benefits? (1) We give you ten days notice before reducing or stopping your benefits so that you have some time to either:

- (a) Get the needed information to us; or
 - (b) Prepare yourself and your family for the change.
- (2) You can also use this time to request a fair hearing.

NEW SECTION

WAC 388-458-0040 What happens if I ask for a fair hearing before the change happens? (1) If you ask for a fair hearing within the ten-day notice period, you may keep getting the amount of benefits you were getting before the change. This is called continued benefits.

(2) If the tenth day falls on a weekend or holiday, you have until the next business day to ask for a fair hearing and still be able to get continued benefits.

(3) If the tenth day happens before the end of the month, you have until the end of the month to ask for a fair hearing and still be able to get continued benefits.

(4) For food assistance, you cannot get continued benefits if your certification period is ending.

(5) If you get continued benefits, you keep getting them through the end of the month the fair hearing decision is mailed unless:

- (a) You:
 - (i) Tell us in writing that you do not want continued benefits;
 - (ii) Withdraw your fair hearing request in writing; or
 - (iii) Do not follow through with the fair hearing process.
- (b) An administrative law judge (ALJ) tells us in writing to stop your continued benefits before the hearing.
- (c) For food assistance, your certification period ends.
- (6) After the fair hearing, you have to pay back any continued benefits you get if the ALJ agrees with our decision.

NEW SECTION**WAC 388-458-0045 Will I get other kinds of letters?**

Yes. We also send you letters in special circumstances. These letters are specific to your situation. Here are some examples:

- (1) Appointment letters;
- (2) Overpayment letters; and
- (3) Fair Hearing letters.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-458-0001	How the department requests information or action needed when a client applies for assistance or reports a change.
WAC 388-458-0005	Adequate notice of denial or withdrawal.
WAC 388-458-0010	Adequate notice of adverse action to recipients.
WAC 388-458-0015	Translation of written communications with limited English proficient clients.

WSR 01-12-056**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

[Filed June 1, 2001, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-20-020.

Title of Rule: WAC 388-310-0800 WorkFirst support services.

Purpose: Tighten up the support services program to be as efficient as possible while maintaining program integrity.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, and 78.08A.340.

Statute Being Implemented: RCW 74.08.090, 74.04.050, 78.08A.340, and WSR 99-14-043.

Summary: We are amending this rule to added new supports service limits and adding new eligibility requirements. We are also modifying the WorkFirst early exit bonus.

Reasons Supporting Proposal: Tighten up the support services program to be as efficient as possible while maintaining program integrity.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, Lacey Government Center, (360) 413-3247 or Elise Rowe, ESD Woodland Square, (360) 438-4066.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: We are amending this rule to add new supports service limits and adding new eligibility requirements. we are also modifying the early exit bonus.

Proposal Changes the Following Existing Rules: Creates new limitations based on the activity of the client.

Changes the amount the client can receive for each support service.

Adds new requirements to the early exit bonus for clients to meet before it can be issued.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule has no effect on small businesses therefore an impact statement is not needed.

RCW 34.05.328 does not apply to this rule adoption. The rule does not meet the definition of a significant legislative rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 10, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by July 2, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coo-pKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 10, 2001.

Date of Intended Adoption: No sooner than July 11, 2001.

May 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-13-106, filed 6/21/00, effective 7/1/00)

WAC 388-310-0800 WorkFirst—Support services.**(1) Who can get support services?**

~~((a) WorkFirst participants;~~

~~(b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;~~

~~(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:~~

~~(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or~~

~~(ii) Actively working with a social worker to remove the barriers that are preventing the minor from living in a department approved living arrangement and/or meeting the school requirements.~~

~~(d) Former WorkFirst recipients who are looking for work, preparing for work, or working.~~

(2) Why do I receive support services?

~~(a) Support services help you participate in work and WorkFirst activities that lead to independence. You can also get help in paying your child care expenses through the work-~~

ing connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(b) Support services help you to keep working, accept a job, participate in job search, advance in your job and/or increase your wages.

(3) What support services may I receive?

You may receive support services, including but not limited to any of the following:

- (a) Employment-related needs such as work clothing or uniforms, tools, equipment, relocation expenses, or fees;
- (b) Transportation costs such as mileage reimbursement, public transportation vouchers, and car repair;
- (c) Professional services;
- (d) Personal needs such as clothing appropriate for job search or other work activities;
- (e) Special needs such as accommodations for employment;
- (f) Identified specific needs due to location or employment if you are an American Indian;
- (g) Job skills training, vocational education and/or basic education if:
 - (i) It is an approved activity in your individual responsibility plan; and
 - (ii) You do not qualify for sufficient student financial aid to meet the cost.
- (h) Transitional work expense of one thousand dollars if:
 - (i) You are in unsubsidized employment; or
 - (ii) You are in subsidized employment that does not use TANF funds or does not end with your grant; and
 - (iii) You are in the assistance unit and receiving a TANF/SFA grant of one hundred dollars or less a month; and
 - (iv) You or anyone in your assistance unit is not in sanction status; and
 - (v) You voluntarily stop receiving your TANF/SFA grant; and
 - (vi) You are an adult and have never received a transitional work expense.

(4) What are the requirements to get support services?

The department or its agents will decide what support services you will receive, as follows:

- (a) You need the support services to do the activities in your individual responsibility plan, do job search, accept employment, do paid work, continue to work, to advance in your job and/or increase your wages; or
- (b) You are a pregnant or parenting minor who is income eligible to receive TANF and you need support services to remove barriers that prevent you from living in a department approved living arrangement and/or meet the school requirements; or
- (c) Your request is within twenty-four months after your TANF/SFA case closed; and
- (d) It is within available funds; and
- (e) It does not assist, promote, or deter religious activity.

(5) How much support services can I get?

The chart below shows the guidelines for the amount and type of support services you can get. There is a suggested limit of three thousand dollars per person per program year

(July 1st to June 30th) for support services you can receive from the department and/or employment security.

Type of Support Service	Suggested Limit
Accommodation (reasonable)	\$1,000 for each request
Car repair	\$750 per program year
Clothing - General	Participant - \$250 for each request Each child - \$100 for each request
Clothing/uniforms - Employment	Participant - \$200 per program year
Counseling	No limit
Diapers	\$50 per child per month
Educational expenses	\$300 for each request
Employer reimbursement	No limit
Haircut	\$40 for each request
License/fees/liability insurance	\$600 per each license, fee or liability insurance request per program year
Lunch	Same rate as established by OFM for state employees
Medical exams (not covered by Medicaid)	\$150 per exam
Mileage	Same rate as established by OFM for state employees
Personal hygiene	\$50 for each request (up to three-times per program year)
Professional, trade, association, union and bonds	\$300 for each fee
Public transportation	\$150 per month
Relocation	\$1,000 per program year
Rent, housing, deposits	\$500 per program year
Short term lodging and meals	Same rate as established by OFM for state employees
Testing - Diagnostic	\$200 each
Tools/equipment	\$500 for each request

(6) What if I request more support services than the suggested maximum amounts, or ask for services not specifically covered in the guidelines?

If you request support services from your case manager, you can:

- (a) Ask to see a copy of these guidelines;
- (b) Ask for additional services, if you are requesting more than the guidelines allow or asking for services or goods not mentioned in the guidelines; and/or
- (c) Request a fair hearing, if your request for support services is denied.

(7) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required)) People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the two-week participation before the sanction is lifted;
- (c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

PROPOSED

PROPOSED

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangements and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to one year after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800); or

(v) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 388-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

• Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

•• Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence.

••• Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$200 per adult per program year	x		
Diapers	\$50 per child per month	x		
Employer reimbursement	Reimburse 50 percent of employer costs during on-the-job training	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 for each request	x		
care repair needed to restore care to operable condition	\$500 per program year	x	x	
License/fees/liability insurance	\$600 per each license, fee or liability insurance request per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Counseling	No limit	x	x	x
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

(a) It is within available funds; and

(b) It does not assist, promote, or deter religious activity; and

(c) There is no other way to meet the cost.

(5) What is a transitional work expense?

(a) A transitional work expense is a special type of support services that is only paid once in a lifetime. It is authorized in two payments of five hundred dollars to cover your work expenses and help you exit TANF sooner and stay off of assistance longer. The first payment is made in the month after your TANF grant closes if you can show you have a plan for staying employed and off of TANF. The second pay-

ment is paid if you are still employed and off of TANF three months later.

(b) To qualify for the first transitional work expense payment of five hundred dollars, you must also meet the following conditions:

- (i) You are in unsubsidized employment; or
 - (ii) You are in subsidized employment that does not use TANF funds or does not end with your TANF grant; and
 - (iii) You are in the assistance unit and getting a TANF/SFA grant of one hundred dollars or less a month; and
 - (iv) Neither you or anyone else in your assistance unit is in sanction status; and
 - (v) You voluntarily stop getting your TANF/SFA grant.
- (6) What happens to my support services if I do not participate as required?**

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

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 01-12-058

PROPOSED RULES

DAIRY PRODUCTS COMMISSION

[Filed June 4, 2001, 9:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-03-090.

Title of Rule: WAC 142-30-010.

Purpose: Increase the current level of assessment on milk produced in Washington state by .00625 (5/8 cent).

Statutory Authority for Adoption: RCW 15.44.060(1), 15.44.130, 15.44.080.

Statute Being Implemented: RCW 15.44.080.

Summary: The rule change, if approved by the commission, will increase the current assessment rate by .00625 (5/8 cent) per hundredweight.

Reasons Supporting Proposal: The assessment rate increase is necessary to implement powers and duties vested to the Washington Dairy Products Commission in RCW 15.44.060(10), such as the participation in federal and state agency hearings, meetings, and other proceedings in relation to the regulation of the production, manufacture, distribution, sale or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities. The current assessment level falls within the Federal Dairy and Tobacco Adjustment Act of 1983, Title I, Subtitle B-Dairy Promotion Program, Section 113. Section 113(j) prohibits funding for the above-specified activities from assessments collected under the federal program. By increasing the current assessment level beyond the level mandated by the federal program the Washington Dairy Products Commission will be able to implement those activities prohibited under the federal program.

Name of Agency Personnel Responsible for Drafting and Implementation: Steve Matzen, 4201 198th Street S.W., Suite 101, Lynnwood, WA 98036, (425) 672-0687; and Enforcement: Celeste Piette, 4201 198th Street S.W., Suite 101, Lynnwood, WA 98036, (425) 672-0687.

Name of Proponent: Washington Dairy Products Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Adoption of the rule is subject to approval by the commission following hearings conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The increase in the current assessment level will not exceed the maximum authorized assessment rate as established by producers at the most recent referendum (1.0% of the Class I price for 3.5% butterfat milk conducted March 24, 1983).

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Washington Dairy Products Commission collects assessments on milk produced to fund programs, which positively affect the demand for dairy products through marketing, promotion, and educational endeavors. The increase in the assessment level will allow for implementation of powers and duties vested to the Washington Dairy Products Commission in RCW 15.44.060(10), such as the participation in federal and state agency hearings, meetings, and other proceedings in relation to the regulation of the production, manufacture, distribution, sale or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities. The current assessment level falls within the Federal Dairy and Tobacco Adjustment Act of 1983, Title I, Subtitle B-Dairy Promotion Program, Section 113. Section 113(j) prohibits funding for the above-specified activities from assessments collected under the federal program. By increasing the current assessment level beyond the level mandated by the federal program the Washington Dairy Products Commission will be able to implement those activities prohibited under the federal program with these additional funds. Funding of legislative, regulatory and image-enhancement activities will ensure the industry's viability and create a more positive environment for dairy farming.

Proposal Changes the Following Existing Rules: The rule will increase the current assessment rate on milk produced in Washington state by .00625 (5/8 cent).

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

Small Business Economic Impact Statement

Executive Summary

Overview of Analysis: This study analyzes the compliance costs associated with a proposed rule that will increase the current assessment rate on milk. The purpose of this analysis is to comply with state legislative requirements that each prospective rule be evaluated to minimize potential disproportionate impacts on small business.

PROPOSED

Analysis Results: As shown in Table 2 of the report, the compliance cost for a representative small business over the analysis period is estimated to be approximately \$.04 per \$100.00 of sales. The compliance cost for a large business over the same time period is estimated to be \$.04 per \$100.00 of sales. Therefore, the compliance cost burden, from rule revisions, is equal for both large and small business, and no disproportionate compliance burden exists for small businesses. In addition, the compliance cost burden for producers, based on farm production, is in proportion to the level of production of each producer as shown in Table 3. The large producers/businesses will pay more based on their higher production levels while the small producers/businesses will pay proportionally less. There will be no additional equipment, supplies, labor, or administrative costs imposed on dairy producers as well as indirectly affected businesses. Presently assessments are being collected and staff are in place to compute and satisfy all reporting requirements. Affected parties are currently in compliance with the existing requirements.

Mitigation: As indicated above, the proposed rule revisions are not anticipated to result in a disproportionate compliance cost burden for small Washington businesses required to pay the assessment. As a result, mitigating measures are not required to reduce impacts on small businesses affected by the rule revisions.

I. Proposed Rule Revisions: This study analyzes the compliance costs associated with a proposed assessment increase and estimates whether the revised rule would place a disproportionate economic burden on Washington small businesses. The purpose of this analysis is to comply with state legislative requirements that each prospective rule be evaluated to minimize potential disproportionate impacts on small business.

A. Regulatory Context: Regulatory Fairness Act: The purpose of this study is to ensure that the proposed revisions to WAC 142-30-010 comply with the Regulatory Fairness Act (chapter 19.85 RCW). The Regulatory Fairness Act (RFA) requires that rules promulgated by state agencies under the Administrative Procedure Act be examined for their impact on small businesses (fifty or fewer employees). The purpose of the RFA is to ensure that proposed rules do not place a disproportionate burden on small businesses relative to the burden they place on large businesses. RFA compliance analysis must be documented in a small business economic impact statement (SBEIS). This SBEIS documents the analysis and results for proposed revisions to WAC 142-30-010. Appendix A contains additional discussion of RFA requirements.

B. Summary of Rule Revisions: Chapter 15.44 RCW grants the Washington State Dairy Products Commission (WDPC) the authority to increase or decrease the current assessment on milk provided that the current level of assessment established does not exceed the maximum authorized assessment rate established by producers in the most recent referendum. The maximum assessment rate was established by producer referendum on March 24, 1983 (1% of the Class I price for 3.5% butterfat milk). The rule revision will increase the existing assessment by .00625 (5/8 of a cent) and

allow the WDPC to implement RCW 15.44.060(10), which gives the WDPC the authority to participate in federal and state agency hearings, meetings, and other proceedings in relation to the regulation of the production, manufacture, distribution, sale or use of dairy products, to provide educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities.

C. Potentially Affected Industries: Compliance costs will be incurred by businesses operating within the agricultural production of livestock. Primary impacts would be borne by dairy producers/farms. These businesses are involved in the production of milk.

Dairy producers are categorized in the standard industrial classification (SIC) code 0241. According to Washington State Employment Security Department data, there are approximately five hundred sixty-nine business establishments in this SIC classification within Washington.¹ Of these establishments five hundred sixty-three are classified as small businesses with fifty or fewer employees. One percent would be classified as large businesses. In addition to dairy farms that bear the primary impact of the rule revision, a few related businesses may be indirectly affected (see Appendix B for full industry list). These businesses include producer handlers, processors/manufacturers, cooperatives or dealer/handlers of dairy products (only those businesses purchasing milk directly from the dairy producer).

II. Approach to Estimating Differential Economic Impacts on Small vs. Large Businesses: The WDPC determined that an analysis of compliance costs should be conducted for the proposed rule revisions and documented in an SBEIS, consistent with chapter 19.85 RCW. An SBEIS analysis was performed for the rule revisions and is described below.

A. Likely Industry Response to Proposed Rule: The first step was to anticipate how the industry would respond to the rule revisions. The Washington Dairy Products Commission coordinated a series of informational meetings to provide dairy farmers an opportunity to provide input and voice their opinions on the proposed assessment increase. Dairy Products Commission representatives and board members provided background information on the proposal and answered producer questions. There were some opposing views presented at the informational meetings, however, many producers sought clarification on how the funds would be utilized and monitored.

B. Data from Small and Large Businesses in Affected Industries: Once affected industries were identified data was computed to estimate impacts. Data was provided through the following sources: WDPC, Washington State Employment Security Department, National Agricultural Statistics Service (NASS), and the United States Department of Agriculture AMS, Dairy Division. WDPC provided a variety of information, including related background information on the proposed rule, current requirements for assessment reporting and calculation and stakeholder information. Employment Security provided employment information by business within the designated SIC codes. NASS provided average milk production per cow for Washington and percent of production by group size. United States Department of

Agriculture AMS, Dairy Division provided milk-pricing information.

C. Differential Compliance Cost for Small Versus Large Businesses: To differentiate between impacts on small versus large businesses, compliance costs were evaluated per one hundred dollars of sales. In addition, costs were evaluated for various levels of farm production within the affected industry. These costs were based on the average cow production for Washington state as well as various herd sizes. Comparison of compliance costs for various levels of farm production as well as per hundred dollars of sales were used to determine whether a disproportionate economic burden would exist for small businesses and to estimate the magnitude of any disproportionate burden.

III. Analysis Results:

A. Overview: Over the analysis period, the proposed rule revisions are not anticipated to have a disproportionate economic impact on small businesses in the affected industry. As Table 2 shows, cost impacts of proposed rule revisions are equal for both small and large businesses. The cost burden to businesses both small and large is the amount of the proposed assessment increase .00625 (5/8 of one cent) per hundred-weight. In addition, the compliance cost burden for businesses/producers, based on farm production, is in proportion to the level of production of each business/producer. The large businesses/producers will pay more based on their higher production levels while the small businesses/producers will pay proportionally less. For those businesses purchasing milk from the dairy producer (indirectly affected establishments) there will be no additional equipment, supplies, labor, or administrative costs. Presently assessments are being collected and staff are in place to compute and satisfy all reporting requirements. These indirectly affected businesses are currently in compliance with the existing requirements. A discussion of analysis methodology and assumptions is contained in Appendix A.

The analysis period for the study was chosen to be one year. Estimates for the uniform statistical milk price are forecasted out through December 2001. All businesses bear the same cost burden for the study. Compliance with the proposed rule is not likely to cause a substantive loss of sales revenues for large or small businesses.

B. Disproportionate Economic Burden Evaluation: As shown in Table 2, the compliance cost for a representative small business over the analysis period is estimated to be approximately \$.04 per \$100 of sales. The compliance cost for a large business over the same time period is estimated to be \$.04 per \$100 of sales. Therefore, the compliance cost burden is equal for both small and large businesses, and no disproportionate compliance burden exists for small businesses. One percent of the farms would be classified as large businesses in Washington. All dairy farmers regardless of business size receive the same minimum uniform price for deliveries of milk to the federal order market. All Washington businesses/producers are part of the Pacific Northwest Order No. 124. The statistical uniform price is the Class III price, plus the producer price differential. This reflects a weighted average reflecting not only class prices, but the proportion of milk under the order in each class. These prices

are announced on the 14th of each month. The only cost to businesses/producers is the amount of the proposed assessment increase itself (\$.00625). The amended rule will impose no additional equipment, supplies, labor, or administrative costs on small or large dairy businesses/producers to comply with the rule. The assessment is collected from the first handler of the milk. In addition, the compliance cost burden for businesses/producers, based on farm production, is in proportion to the level of production of each business/producer as shown in Table 3. The large producers/businesses will pay more based on their higher production levels while the small producers/businesses will pay proportionally less.

Those businesses purchasing milk from dairy producers (indirectly affected establishments) will realize no additional equipment, supplies, labor, or administrative costs. Presently assessments are being collected and staff are in place to compute and satisfy all reporting requirements. These indirectly affected businesses are currently in compliance with the existing requirements.

IV. Mitigation: As the above analysis demonstrates, the proposed rule amendment will not result in a disproportionate impact on small Washington businesses. As a result, mitigating measures are not required to reduce impacts on small businesses affected by the proposed rule.

¹These businesses include those with employment covered by unemployment compensation programs. Consistent with intent of RFA, only Washington businesses are reported and analyzed in this study.

Appendix A: Background Information and Assumptions:

Regulatory Fairness Act: The Regulatory Fairness Act (RFA) (chapter 19.85 RCW) requires that rules promulgated by state agencies under the Administrative Procedure Act be examined for their impact on small businesses. The purpose of the Regulatory Fairness Act is to ensure that proposed rules do not place a disproportionately high burden on small businesses, relative to the burden they place on large businesses. A small business is defined by the RFA as an independent, for-profit Washington business entity with fifty or fewer employees, RCW 19.85.020(1).

The RFA requires all rules that impose "more than minor costs" on industry businesses be evaluated and, if necessary, altered to minimize their impact on small business. An analysis of compliance costs must be completed and documented in a small business economic impact statement (SBEIS) if: (1) A proposed rule meets or exceeds this "more than minor" criterion, or if (2) the Joint Administrative Rules Review Committee (JARRC) requests an SBEIS for a proposed rule. A state agency may independently decide to complete an SBEIS.

The RFA establishes specific analyses and necessary elements for inclusion in an SBEIS. Among other requirements, the SBEIS must include a brief description of the compliance requirements of the rule, a description of the professional services needed by small businesses to comply with the rule, an analysis of the compliance cost for small business, and a comparison of the compliance cost for small and large businesses. A basis of comparison must be chosen

PROPOSED

from: Cost per employee, cost per hour of labor, cost per \$100 of sales, or any combination of these three measures.

Based upon the extent any disproportionate impact is anticipated to occur for small businesses from the proposed rule, the agency must reduce the costs on small businesses (where legal and feasible in meeting the stated objective of the statutes upon which the rule is based). Mitigation can be accomplished in a number of ways, such as establishing differing compliance or reporting requirements for small businesses, clarifying or simplifying the compliance requirements for small businesses, delaying compliance timetables, exempting small businesses from any or all of the rule requirements, or similar measures.

Conservative Approach: The analysis undertaken to estimate compliance cost impacts was generally "conservative" in its approach. Specific assumptions implementing this conservative approach included (but were not limited to):

- **Timing:** Affected industries will be required to comply with the assessment increase January 1, 2002, when the rule takes effect.
- **Public and Industry Involvement:** Potentially affected businesses, including small businesses, were involved throughout the rule-making process. A number of informational meetings provided opportunities for businesses of all sizes to provide input, as described below.

Affected businesses will have the opportunity to testify at the legislative hearings to be held July 11 and 18, 2001.

Dairy producers were given the opportunity to attend informational meetings where WDPC explained the proposed assessment increase. Background information was given regarding the proposed assessment increase and producer input was gathered and questions addressed. Additional informational letters were sent to dairy producers and affected businesses. The proposed assessment increase was initiated by an industry driven task force made up of producers representing all facets of the industry including representatives from the Washington State Dairy Federation, Washington Dairy Products Commission, and the Northwest Dairy Association.

- **Data Characteristics:** As noted in the body of the SBEIS, data used to estimate compliance costs for affected businesses came from the following sources: WDPC, Washington State Employment Security Department (ESD), National Agricultural Statistics Service (NASS), and the United States Department of Agriculture AMS, Dairy Division.

Appendix B: SIC Codes for Dairy-Related Industries
List of Potentially Affected Industries

SIC	Industry/SIC Category
	<u>Direct Impacts</u>
0241	Dairy Farms
	<u>Indirect Impacts</u>
2021	Creamery butter
2022	Cheese, natural and processed
2023	Dry, condensed, evaporated products

2024	Ice cream and frozen desserts
2026	Fluid milk

Appendix C: Glossary of Abbreviations

<u>Abbreviation</u>	<u>Abbreviated Term</u>
JARRC	Joint Administrative Rules Review Committee
RCW	Revised Code of Washington
RFA	Regulatory Fairness Act
SBEIS	Small Business Economic Impact Statement
SIC	Standard Industrial Classification
WDPC	Washington Dairy Products Commission
WAC	Washington Administrative Code
ESD	Employment Security Department
NASS	National Agriculture Statistics Service
WSDA	Washington State Department of Agriculture

A copy of the statement may be obtained by writing to Steve Matzen, Washington Dairy Products Commission, 4201 198th Street S.W., Suite 101, Lynnwood, WA 98036, phone (425) 672-0687, fax (425) 672-0674.

Table 1
Cost of Compliance for Small and Large Businesses
Washington Dairy Farmers/Pacific Northwest Order No. 124

Month and Year	Statistical Uniform Price Per CWT	Producer Lbs. Equivalent to \$100 in sales	Proposed Assessment		Cost Difference
			Current Assessment Rate \$10CWT	Rate [\$.10625] CWT - Producer Cost per \$100 sales	
Jan-00	11.11	900	0.90	0.96	0.06
Feb-00	11.06	904	0.90	0.96	0.06
Mar-00	11.17	895	0.90	0.95	0.06
Apr-00	11.31	884	0.88	0.94	0.06
May-00	11.70	855	0.85	0.91	0.05
Jun-00	11.91	840	0.84	0.89	0.05
Jul-00	12.19	820	0.82	0.87	0.05
Aug-00	11.94	838	0.84	0.89	0.05
Sep-00	12.11	826	0.83	0.88	0.05
Oct-00	11.79	848	0.85	0.90	0.05
Nov-00	11.80	847	0.85	0.90	0.05
Dec-00	12.27	815	0.81	0.87	0.05
Avg.	\$11.70	856	\$0.86	\$0.91	\$0.05

Table 2
Estimated Cost of Compliance for Small and Large Businesses
Washington Dairy Farmers/Pacific Northwest Order No. 124

PROPOSED

Month and Year	Estimated Statistical Uniform Price Per CWT*	Producer Equivalent to \$100 in sales	Current Assessment Rate \$10CWT- Producer Cost per \$100 sales	Proposed Assessment Rate \$10625 CWT- Producer Cost per \$100 sales	Cost Difference
Jan-01	12.34	810	0.81	0.86	0.05
Feb-01	12.35	810	0.81	0.86	0.05
Mar-01	13.34	750	0.75	0.80	0.05
Apr-01	14.05	712	0.71	0.76	0.04
May-01	15.07	664	0.66	0.71	0.04
Jun-01	15.34	652	0.65	0.69	0.04
Jul-01	15.23	657	0.66	0.70	0.04
Aug-01	15.26	655	0.66	0.70	0.04
Sep-01	15.31	653	0.65	0.69	0.04
Oct-01	15.02	666	0.67	0.71	0.04
Nov-01	14.51	689	0.69	0.73	0.04
Dec-01	14.06	711	0.71	0.76	0.04
Avg.	\$14.32	702	\$0.70	\$0.75	\$0.04

BOLD = Actual Announced Federal Order Prices.

Federal Order: Classifies milk according to its use, establishes minimum class prices monthly, determines a uniform price monthly, conducts impartial audits, verifies weights and tests milk, and provides market information.

Class III Milk: Milk used in storable, hard manufactured products-cheese and evaporated milk.

Class III Price: The Class III price is based on the NASS surveys for cheese, butter and whey. The price is announced on or before the 5th day of the following month.

Producer Price and Statistical Uniform Price: The statistical uniform price is the Class III price, plus the producer price differential. This value represents the minimum price received by producers and cooperative associations for deliveries to a federal order market. This reflects a weighted average reflecting not only class prices, but the proportion of milk under the order in each class. These prices are announced on or before the 14th of each month.

*Estimated statistical uniform price based on futures market-data obtained from USDA AMS, Dairy Division Federal Orders 124 and 135. Data only forecasted out through December 2001.

**Table 3
Annual Production and Associated Costs of Proposed Rule
Various Herd Sizes WA 2000**

Herd Size	Annual Avg Milk Produced Per Cow (Lbs) 2000 WA*	Total Annual Avg Farm Production (Lbs)	Current Assessment Rate \$10CWT- Annual Producer Cost	Proposed Assessment Rate \$10625 CWT- Annual Producer Cost	Total Annual Cost Difference
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25	22,644	566,100	\$ 566.10	\$ 601.48	\$ 35.38
50	22,644	1,132,200	1,132.20	1,202.96	70.76
75	22,644	1,698,300	1,698.30	1,804.44	106.14
100	22,644	2,264,400	2,264.40	2,405.93	141.53
125	22,644	2,830,500	2,830.50	3,007.41	176.91
150	22,644	3,396,600	3,396.60	3,608.89	212.29
175	22,644	3,962,700	3,962.70	4,210.37	247.67
200	22,644	4,528,800	4,528.80	4,811.85	283.05
225	22,644	5,094,900	5,094.90	5,413.33	318.43
250	22,644	5,661,000	5,661.00	6,014.81	353.81
275	22,644	6,227,100	6,227.10	6,616.29	389.19
300	22,644	6,793,200	6,793.20	7,217.78	424.57
325	22,644	7,359,300	7,359.30	7,819.26	459.96
350	22,644	7,925,400	7,925.40	8,420.74	495.34
375	22,644	8,491,500	8,491.50	9,022.22	530.72
400	22,644	9,057,600	9,057.60	9,623.70	566.10
425	22,644	9,623,700	9,623.70	10,225.18	601.48
450	22,644	10,189,800	10,189.80	10,826.66	636.86
475	22,644	10,755,900	10,755.90	11,428.14	672.24
500	22,644	11,322,000	11,322.00	12,029.63	707.63
525	22,644	11,888,100	11,888.10	12,631.11	743.01
550	22,644	12,454,200	12,454.20	13,232.59	778.39
575	22,644	13,020,300	13,020.30	13,834.07	813.77
600	22,644	13,586,400	13,586.40	14,435.55	849.15
625	22,644	14,152,500	14,152.50	15,037.03	884.53
650	22,644	14,718,600	14,718.60	15,638.51	919.91
675	22,644	15,284,700	15,284.70	16,239.99	955.29
700	22,644	15,850,800	15,850.80	16,841.48	990.67
725	22,644	16,416,900	16,416.90	17,442.96	1,026.06
750	22,644	16,983,000	16,983.00	18,044.44	1,061.44
775	22,644	17,549,100	17,549.10	18,645.92	1,096.82
800	22,644	18,115,200	18,115.20	19,247.40	1,132.20
825	22,644	18,681,300	18,681.30	19,848.88	1,167.58
850	22,644	19,247,400	19,247.40	20,450.36	1,202.96
875	22,644	19,813,500	19,813.50	21,051.84	1,238.34
900	22,644	20,379,600	20,379.60	21,653.33	1,273.73
925	22,644	20,945,700	20,945.70	22,254.81	1,309.11
950	22,644	21,511,800	21,511.80	22,856.29	1,344.49
975	22,644	22,077,900	22,077.90	23,457.77	1,379.87
1000	22,644	22,644,000	22,644.00	24,059.25	1,415.25

*Annual avg. milk produced per cow-data obtained from NASS.

A copy of the statement may be obtained by writing to Steve Matzen, Washington Dairy Products Commission, 4201 198th Street S.W., Suite 101, Lynnwood, WA 98036, smatzen@havemilk.com, phone (425) 672-0687, fax (425) 672-0674.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington Dairy Products Commission is not a listed agency in section 201 (5)(a)(1), chapter 403.

Hearing Location: Bellevue Community College, 3000 Landerholm Circle S.E., Conference and Lecture Hall N201, Bellevue, WA 98007, (425) 564-2376, on July 11, 2001, at 10:30 a.m.; and at the Washington State Department of Agriculture Building, 21 North First Avenue, 2nd Floor Confer-

PROPOSED

ence Room, Yakima, WA 98902, (509) 225-2650, on July 18, 2001, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Jodi Jones by June 27, 2001, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Steve Matzen, Washington Dairy Products Commission, 4201 198th Street S.W., Suite 101, Lynnwood, WA 98036, smatzen@havemilk.com, fax (425) 672-0674, by July 31, 2001, 5:00 p.m. at agency.

Date of Intended Adoption: September 25, 2001.
 May 31, 2001
 Steve Matzen
 General Manager

abilities Education Act, 20 U.S.C. §§ 1400 et seq., and the corresponding state regulatory changes adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January 1, 2000.

Reasons Supporting Proposal: Required by federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Len Aron, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, (360) 414-0400.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the 1997 amendments to the Individuals with Disabilities Education Act ("IDEA '97") and the regulations of the United States Department of Education adopted as a result of IDEA '97. The rules also provide policies and procedures which are consistent with corresponding regulations of the Office of the Superintendent of Public Instruction, the state educational agency responsible for ensuring compliance by public agencies involved in the delivery of special education.

Proposal Changes the Following Existing Rules: As described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impacts have been identified.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington School for the Deaf.

Hearing Location: Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on July 10, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Smith by July 3, 2001, TTY (360) 414-0401.

Submit Written Comments to: Len Aron, Superintendent, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, fax (360) 696-6291, by July 6, 2001.

Date of Intended Adoption: July 10, 2001.

May 29, 2001
 Len Aron
 Superintendent

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-001 Purposes. The purposes of this chapter are:

(1) To implement chapter 72.40 RCW in a manner that is compatible with chapter ~~((28A-13))~~ 28A.155 RCW and in compliance with the ~~((Education for All Handicapped Children))~~ Individuals with Disabilities Education Act, 20 U.S.C. Sec. ~~((1401))~~ 1400 et seq.; and

PROPOSED

AMENDATORY SECTION (Amending Order 85-4, filed 7/5/85)

WAC 142-30-010 Declaration of purpose—Effective date. To effectuate the purposes of chapter 15.44 RCW there is hereby levied upon all milk produced in this state an assessment of:

(1) 0.75 percent of the Class I price for 3.5% butterfat milk, as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area ~~((-or))~~; or

(2) While the Federal Dairy and Tobacco Adjustment Act of 1983, Title I, Subtitle B—Dairy Promotion Program, is in effect:

(a) An assessment rate not to exceed the rate approved at the most recent referendum that would achieve a ten cent per hundredweight credit to local, state or regional promotion organizations provided by Title I, Subtitle B of the Federal Dairy and Tobacco Adjustment Act of 1983 ~~((The effective date of WAC 14-30-010 [142-30-010] shall be August 4, 1985))~~; and

(b) An additional assessment of .00625 (five-eighths of one cent) per hundredweight.

**WSR 01-12-061
 PROPOSED RULES
 WASHINGTON STATE
 SCHOOL FOR THE DEAF**
 [Filed June 4, 2001, 9:27 a.m.]

Original Notice.

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

Title of Rule: Chapter 148-171 WAC, Special education programs.

Purpose: To implement federal regulatory changes enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. §§ 1400 et seq.

Summary: Changes are needed to comply with the federal regulatory changes adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Dis-

~~(2) ((To assure that all handicapped children have an opportunity for a free appropriate public education which emphasizes special education and related services designed to meet their unique needs;~~

~~(3) To assure that the rights of handicapped children and their parents are protected; and~~

~~(4) To assess and assure the effectiveness of efforts to educate the handicapped students)) To meet the obligations of additional federal and state civil rights laws (e.g., 29 U.S.C. Sec. 794, 42 U.S.C. Sec. 12132, RCW 49.60.030) that apply to students who have a disability regardless of the student's eligibility for special education and related services.~~

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-010 Definitions. ((As used in this chapter:

(1) "Adult student" means a student or handicapped student not otherwise incompetent, who has reached eighteen years of age.

(2) "Handicapped student" and "student" (depending upon the context in which the term is used) means:

(a) A person under the age of twenty one, who has been determined pursuant to this chapter to have one or more of the disabilities set forth in WAC 148-171-015 and to be in need of special education and related services: Provided, That a student enrolled at the Washington state school for the deaf may continue past the age of twenty one at the superintendent's discretion; or

(b) A person under the age of twenty one who has become a focus of concern and who may have one or more of the disabilities set forth in WAC 148-171-015 in the judgment of the school superintendent or his or her designee, or the parent(s), or the adult student; or

(c) The foregoing categories of persons notwithstanding the fact the person(s) may not be enrolled in or attending school in the normal sense of the term "student."

(3) "Parent" means a natural parent, a legal guardian, an adult person acting as a parent, or a surrogate parent who has been appointed in accordance with WAC 148-171-650, who represents a nonadult student. The term does not include the state if the child is a dependent of the state.

(4) "School" means Washington state school for the deaf.

(5) "Assessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine whether a student is deaf or hard of hearing and/or the nature and extent of the special education and related services that the student needs. The term means procedures used selectively with an individual student and does not include basic tests administered to or procedures used with all students in a school, grade, or class.

The purposes of assessment are to:

(a) Measure the student's present level of educational performance to identify the student's unique needs, abilities, and limitations;

(b) Draw conclusions regarding the significance of the findings as related to the student's instructional program;

~~(e) Provide appropriate personnel with information for determining appropriate placement and developing the individualized education program in accordance with WAC 148-171-240;~~

~~(d) Assure appropriate identification of the handicapping condition; and~~

~~(e) Determine the student's eligibility for funding for special education and related services.~~

~~(6) "Current assessment" means:~~

~~(a) Intellectual assessment data shall be considered current if obtained during a one calendar year period prior to the formal assessment or if obtained during the formal assessment period.~~

~~(b) Academic assessment data, including perceptual assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

~~(c) Psychological and social assessment data shall be considered "current" if obtained during a thirty calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

~~(d) Adaptive behavior assessment data, including vocational and career assessment data, shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

~~(e) Speech/language/sign language (communication skills) assessment data shall be considered "current" if obtained during a ninety calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

~~(f) Vision screening and audiological assessment data shall be considered "current" if obtained during a one calendar year period prior to formal assessment or if obtained during the formal assessment period.~~

~~(g) Medical assessment data shall be considered "current" if obtained during a one hundred eighty calendar day period prior to formal assessment or if obtained during the formal assessment period.~~

~~(7) "Reassessment" means procedures used in accordance with WAC 148-171-110 through 148-171-130 to determine the student's eligibility for and need for continuing special education and related services pursuant to WAC 148-171-430(2).~~

~~(8) "Consent" means that:~~

~~(a) The parent (or adult student) has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication, including being informed of existing assessment data to be used within the definitions of current assessment;~~

~~(b) The parent (or adult student) understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and~~

~~(c) The parent (or adult student) understands that the granting of consent is voluntary on the part of the parent (or adult student) and may be revoked at any time.~~

~~(9) "Special education" has the meaning given that term by WAC 392-171-315.~~

PROPOSED

(10) "Related services" has the meaning given that term by WAC 392-171-320.

(11) "Superintendent" means the superintendent of the Washington state school for the deaf.)) The definitions set forth in WAC 392-172-035, 392-172-040, 392-172-045, 392-172-055, 392-172-065, 392-172-070, 392-172-073, and 392-172-075 are hereby incorporated by reference into this chapter and should be referred to if necessary. The Washington school for the deaf, a "public agency" as defined in WAC 392-172-035 (6)(c), is a "state operated program."

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-015 Definition and eligibility criteria for ((deaf and hard of hearing)) deafness and hearing impairment. ((1) WAC 392-171-436 and 392-171-441 shall be applicable to all students provided for by this chapter.

(2) Assessments and evaluations conducted according to this section shall be performed by professionals qualified in the area of assessment who are specially trained and experienced in the area of deafness or deaf education.)) The definitions and eligibility criteria in WAC 392-172-138 and 392-172-140 are adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-110 General areas of ((assessment)) evaluation. ((The assessment of a student shall be in all areas related to the suspected disability. The assessment procedures outlined in this chapter are to be considered minimal, required procedures. Where concerns are indicated as judged by the multidisciplinary team, additional or more in-depth assessment in each of the following areas shall be conducted:

(1) Scholastic assessment. This area may include assessment of the intellectual, language and communication, academic and cognitive development of the student and any other scholastic area as deemed appropriate by the multidisciplinary team.

(2) Physical assessment. This area may include a review of the general health status of the student, vision screening and complete audiological examination, oral peripheral examination, evaluation of musculo-skeletal, neurological, and developmental modalities, and any other physical area as deemed necessary by the multidisciplinary team.

(3) Adjustment assessment. This area may include assessment of the social skills and emotional status of the student, career and vocational assessment, and assessment of adaptive behaviors (e.g., self-help, interpersonal communication, survival skills, and practical application of academic skills.)) WAC 392-172-106 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-120 ((General assessment safeguards—Personnel, materials, and)) Evaluation procedures. ((Every student who is assessed or reassessed shall be

assessed according to the procedures established in this chapter.

(1) The initial assessment of a student shall be made by a multidisciplinary team (i.e., a group of professionals) including at least one qualified teacher of the deaf and at least one person qualified to conduct individual diagnostic assessment in the area of suspected disability. In a reassessment of a student, the multidisciplinary team also shall include a representative from each service area involved in the student's individualized education program and such other professional service providers as recommended by any professional involved in the reassessment. Each member of the team shall be licensed, registered, credentialed, or certificated according to his or her professional standards in accordance with state statutes and rules, and experienced in the area of deafness.

(2) No single test instrument or single procedure shall be the sole criterion for determining a student's eligibility and/or for determining the appropriate educational program for a student.

(3) Assessment materials, procedures, and instruments used for the purpose of assessment and placement shall be selected and administered so as not to be racially or culturally or educationally discriminatory.

(4) All tests and other evaluation materials shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests purport to measure. If properly validated tests are unavailable, the professional judgment of each member of the multidisciplinary team may determine eligibility for special education based on other evidence of the existence of a specific handicap and need. This professional judgment shall be documented in a written narrative.

(5) All tests and other evaluation materials shall be administered by qualified personnel in conformance with the instructions of their producer. Tests designed to measure intellectual functioning shall be administered and interpreted by a qualified psychologist experienced in deafness. Provided, That cognitive tests for developmentally delayed students other than an intelligence quotient test shall be administered by a qualified psychologist or by professionals with other titles who have considerable training and experience in individual psychological or psychoeducational assessment and deafness.

(6) Assessment materials, procedures, or instruments shall be provided and administered in a student's native language or mode of communication, unless it is clearly not feasible to do so. Tests shall be selected and administered so as to ensure that the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors the test purports to measure).

(7) In interpreting assessment data and in making placement recommendations, the assessment team shall:

(a) Collect and review information from a variety of sources, including but not limited to all available existing academic, medical, and other records pertinent to the area of deafness, aptitude and achievement tests, teacher recommendations or recommendations of related service providers,

physical condition, social or cultural background, and adaptive behavior;

(b) Ensure that information obtained from all of these sources is documented and carefully considered.

(8) Assessment data shall be summarized in writing, dated, and signed by each person conducting an assessment. Information used to support the assessment, but which is not incorporated into the file, (e.g., review of health record), shall be referenced as to date of record, location, and source person. The summaries shall specify the procedures and instruments used, the results obtained, and the apparent significance of findings as related to the student's instructional program, including a description of the specific factors which are interfering with the student's educational performance and the special education and related services needed to assist the student in benefiting from his or her educational placement.) The evaluation or reevaluation of any student shall be performed using the procedures established in chapter 392-172 WAC except as specifically provided otherwise in this chapter.

Evaluations may include assessments to identify students who present a moderate or high risk of sexually aggressive behavior or who may be vulnerable to victimization by such students, as required by RCW 72.40.270. Evaluations will be conducted by a group of qualified professionals selected by the Washington school for the deaf who are knowledgeable about the student, the suspected area of disability, and in cases where assessment is required by RCW 72.40.270, sexual abuse and assault.

NEW SECTION

WAC 148-171-131 Evaluation report and documentation of determination of eligibility. WAC 392-172-10905 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-140 Independent educational ((assessment)) evaluation. ((1)(a) The parent(s) of a student (or an adult student) assessed or any student reassessed has the right to obtain an independent educational assessment, subject to subsections (3) and (4) of this section:

(b) The school shall provide to parent(s), on request, information about where an independent educational assessment may be obtained.

(c) For the purposes of this section:

(i) "Independent educational assessment" means an assessment conducted by a qualified examiner who is not employed by the school responsible for the education of the student in question; and

(ii) "Public expense" means that the school either pays for the full cost of the assessment or assures that the assessment is otherwise provided at no cost to the parent.

(2) A parent (or adult student) has the right to an independent educational assessment at public expense if the parent (or adult student) disagrees with the assessment results obtained by the school, as follows:

(a) The parent(s) (or adult student) shall provide a written notice to the superintendent which:

(i) Specifies the portion(s) of the assessment results with which the parent(s) (or adult student) disagrees; and

(ii) Requests an independent educational assessment at public expense;

(b) The school shall have the prior opportunity to initiate mediation or an adjudicative proceeding pursuant to WAC 148-171-600 et seq., to show that its assessment is appropriate. Provided, That the school shall provide the parent(s) (or adult student) written notice of the election to initiate mediation or an adjudicative proceeding no later than the tenth day after the date of receipt of the parent's (or adult student's) written notice of disagreement;

(c) If the final decision is that the school assessment is appropriate, the parent (or adult student) still has the right to an independent educational assessment, but not at public expense; and

(d) If the school elects not to initiate an adjudicative proceeding or is not upheld by the final decision, the independent assessment requested by the parent (or adult student) shall be provided at public expense in accordance with the same criteria which the school uses when it initiates an assessment including, but not limited to, the location of the assessment and the qualifications of the examiner.

(3) If the parent (or adult student) obtains an independent educational assessment at private expense, the results of the assessment:

(a) Shall be considered by the school in any decision made with respect to the provision of special education and related services to the student; and

(b) May be presented as evidence at the adjudicative proceeding regarding that student.

(4) If the administrative law judge requests an independent educational assessment as part of the adjudicative proceeding, such assessment shall be at public expense.) WAC 392-172-150 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-150 Admission and placement—Annual review. ((In accordance with the least restrictive environment mandate of Public Law 94-142: A student may be admitted and enrolled at the Washington state school for the deaf when:

(1) The school district of that student's residence refers the student or agrees that the student can be served at the Washington state school for the deaf;

(2) The student's parents request that their child be served through the educational program available at the Washington state school for the deaf;

(3) Assessment pursuant to the procedures in this chapter has been completed and is documented;

(4) Upon completion of assessment pursuant to this chapter, the multidisciplinary team described in WAC 148-171-120(1), the parents and a representative of the school district of the student's residence shall meet and consider the following to determine the most appropriate placement for the student:

PROPOSED

~~(a) The summaries of assessment data pursuant to WAC 148-171-130;~~

~~(b) The nature and extent of the specific special education and related services needed by the student, if any;~~

~~(c) Any inconsistent or contradictory information and/or opinions evidenced in the assessment data, if any;~~

~~(d) The availability and identity of current educational programs appropriate to the student's needs; and~~

~~(e) The parent(s) and school district's commitment to work in cooperation to meet the student's needs; and~~

~~(5) The multidisciplinary team described in WAC 148-171-120(1) recommends placement at the Washington state school for the deaf;))~~

(1) Upon a referral for admission and placement from a parent, legal guardian, emancipated minor, adult student, or local educational agency (LEA), a Washington school for the deaf admissions team will assess the appropriateness of placement of a visually impaired student residing in the state of Washington as provided for under this chapter.

(2) Applications for placement shall be in writing and shall include the reason for referral. Reasons for referral to the school for the deaf may include, but are not limited to: Vision specific services not readily available in the local school district, need for more intensive vision specific services, adaptive aids and appliances, greater array of vision support services, social skill development, leisure time skill development, and organization skill development.

(3) The LEA will be notified if the referral is from a parent and the student's records will be requested. The following records must be received prior to review by the school's admissions team: Complete application materials, most recent IEP, most recent three-year summary assessment or evaluation, psychological records, transcripts (for high school students), all records subject to disclosure under RCW 28A.225.330, including, but not limited to: History of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students.

(4) The admissions team shall review the records and if the information is complete, determine whether to proceed with or terminate the application.

(5) Placement of a student at the school for the deaf shall be determined at a meeting conducted pursuant to WAC 148-171-210.

(6) The determination of the appropriate placement for a student shall be based upon:

(a) The student's individualized education program (IEP);

(b) The least restrictive environment requirements of WAC 392-172-172;

(c) The placement option(s) that provides a reasonably high probability of assisting the student to attain his or her annual goals;

(d) A consideration of any potential harmful effect on the student or on the quality of services which he or she needs; and

(e) The status of the student as an adjudicated sex offender classified as risk Level II or III in the state of Washington or the equivalent under the laws of the state in which the student resides.

(7) The decision on the educational placement shall be made by a group of persons, including the parents, the LEA, and other persons knowledgeable about the student, the evaluation data, and the placement options.

(8) Pursuant to RCW 72.40.040(4) and 72.40.050(2), admission and retention at the Washington school for the deaf may be denied for a student who is an adjudicated sex offender.

(9) The educational placement of each student shall be determined at least annually at a meeting conducted pursuant to WAC 148-171-210.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-210 IEP meetings. ((1) The school shall hold a meeting for the purpose of developing a student's individualized education program within thirty calendar days of the determination that the student is in need of special education and related services currently available at the school.

(2) Meetings consistent with this section shall be held by the school at least once a year for the purpose of reviewing and revising as necessary each student's IEP.)) WAC 392-172-156 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-220 Participants in IEP meetings. ((1) Each IEP meeting shall include the following participants:

(a) A representative of the school other than the student's teacher who is qualified to provide or supervise the provision of special education and related services;

(b) The student's teacher;

(c) One or both parents, subject to WAC 148-171-230;

(d) The student, if appropriate or the adult student; and

(e) Other individuals at the discretion of the school, parent(s), or adult student. Either the teacher or school representative should be qualified in the area of the student's disability.

(2) IEP meetings involving a student who has been assessed for the first time shall include the following participant in addition to those enumerated as follows: A member of the student's assessment team who is knowledgeable about the assessment procedures used and is familiar with the results of the evaluation.)) WAC 392-172-153 is adopted by reference.

Involvement and participation of the LEA at meetings in which a decision is to be made relating to the educational placement of the student is considered essential for meaningful discussion to occur. A representative of the student's LEA will be invited to meetings involving an IEP, transition services, or placement. The LEA representative should be an individual who is knowledgeable about the availability of resources of the LEA, authorized to allocate resources, or develop collaborative requests for funding to establish programs to meet a student's extraordinary program needs. If the LEA representative is unable to attend the meeting, Washington school for the deaf staff shall keep the LEA representative

informed of the proceedings and obtain information that will assist in the provision of services.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-230 Parent participation and involvement. ((1) The school shall take steps to ensure (in the case of nonadult students) that one or both parents of the handicapped student are present at each meeting or are afforded the opportunity to participate, including:

(a) Notifying the parent(s) of the meeting early enough to ensure his or her participation; and

(b) Scheduling the meeting at a mutually agreed upon place and time.

(2) The notice to the parent(s) shall include the purpose, time, and location of the meeting and who will be in attendance.

(3) If a parent cannot attend, the school shall use other methods to ensure participation, including individual or conference telephone calls.

(4) A meeting may be conducted (in the case of a nonadult student) without a parent in attendance if the school is unable to convince the parents they should attend. In such a case the school shall make a record of its attempts to arrange a mutually agreed upon time and place. The record shall contain such information as:

(a) Detailed records of telephone calls made or attempted and the results of those calls;

(b) Copies of correspondence sent to the parent(s) and any responses received; and

(c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(5) The school shall take whatever action is necessary to ensure that the parent (or adult student) understands the proceedings at a meeting, including arranging for an interpreter for parents (or adult students) who are deaf or whose native language is other than English.

(6) The school shall document the parent(s)' and other IEP participants' presence at the IEP meeting.

(7) The school shall provide the parent(s) a copy of the IEP upon request.)) WAC 392-172-15700 and 392-172-15705 are adopted by reference.

Inclusion of an LEA representative in meetings with the parent(s) will be encouraged and appropriate notice to the parent(s) will be provided.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-240 ((Content of the IEP)) Individualized education program. ((The individualized education program shall be developed on the basis of assessment analysis and parent input, where it is provided, and shall include:

(1) A statement of the student's present levels of educational performance;

(2) A statement of specific annual goals including short-term instructional objectives which are stated in terms that provide for measurement of progress, expected levels of performance, and the schedules for their accomplishments;

(3) A statement of the specific special education and related services needed by the student, and the extent to which the student will be able to participate in the regular educational program, including physical education;

(4) The IEP developed for a handicapped student whose chronological age is fourteen or above shall also include career development and/or vocational education goals and short-term instructional objectives, where appropriate. Provided, That if the career development and/or vocational education is specially designed instruction, goals and short-term instructional objectives shall be included;

(5) The projected dates for the initiation of services and the anticipated duration of the services, including the number of school days, and the number of hours per day; and

(6) Appropriate objectives criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being met.

Nothing in this chapter may be construed as promising or guaranteeing that a handicapped student will in fact achieve the growth projected in his or her annual goals and short-term objectives.)) WAC 392-172-160 is adopted by reference.

NEW SECTION

WAC 148-171-242 Individualized education program—Implementation. WAC 392-172-158 is adopted by reference.

NEW SECTION

WAC 148-171-244 Individualized education program—Development, review, revision—Consideration of special factors. WAC 392-172-159 is adopted by reference.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-410 ((Reassessment)) Reevaluation. ((1) Each student shall be reassessed in accordance with the procedures specified in WAC 148-171-110 through 148-171-130:

(a) At a minimum, once every three years unless conditions warrant earlier reassessment; or

(b) Upon the request of the parents, an adult student, teacher, or IEP team.

(2) If reassessment is the result of the three-year reassessment requirement, the multidisciplinary team, based on the professional judgment of the members, to a reasonable degree of professional certainty, shall determine and document the following:

(a) Whether the student is appropriately classified;

(b) Whether the student meets the continuing eligibility criteria of WAC 392-171-325(3) or 392-171-331. The basis for this determination shall be documented in a written narrative including any relevant data or assessment process used;

(c) Whether the current program is appropriate to the student's unique needs, abilities, and limitations;

(d) Whether assessment procedures should be replicated or conducted by members of the multidisciplinary team or

PROPOSED

PROPOSED

other professionals not represented on the multidisciplinary team to provide reasonable professional certainty that the reassessment results are accurate. In making such determination, members of the multidisciplinary team shall be governed by the generally recognized professional practice standards of their respective disciplines. Members of the multidisciplinary team shall defer to the professional judgment of a team member who requests the replication or conduction of a particular assessment procedure.)) WAC 392-172-182 through 392-172-190 are adopted by reference.

The student's LEA should continue to be involved in the planning for any student who is enrolled at the Washington school for the deaf; therefore, the group of individuals referred to in the reevaluation procedures adopted by reference should include a representative of the LEA.

((NOTICE REQUIREMENTS)) PROCEDURAL SAFEGUARDS

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-500 When prior notice must be given. ~~((Written notice in accordance with WAC 148-171-510 shall be given to the parent(s) (or the adult student) a reasonable time before the school:~~

~~(1) Proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter; or~~

~~(2) Refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of special education and related services to the student pursuant to this chapter.)) WAC 392-172-302 is adopted by reference. Where the adopted rule refers to WAC 392-172-306, refer to WAC 148-171-510.~~

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-510 Contents of ((the)) prior written notice. ~~((1) The notice required by WAC 148-171-500 shall include:~~

~~(a) A full explanation of all of the procedural safeguards available to the parent(s) (or adult student) under this chapter;~~

~~(b) A description of the action proposed or refused by the school, and explanation of why the school proposes or refuses to take the action, and a description of any options the school considered and the reasons why those options were rejected;~~

~~(c) A description of each evaluation procedure, test, record, or report used as a basis for the proposal or refusal; and~~

~~(d) A description of any other factors which are relevant to the school's proposal or refusal.~~

~~(2) The notice shall be:~~

~~(a) Written in language understandable to the general public; and~~

~~(b) Provided in the native language of the parent (or adult student) or other mode of communication used by the parent (or adult student), unless it is clearly not feasible to do so.~~

~~(3) If the native language or other mode of communication of the parent (or adult student) is not a written language, the school shall take steps to ensure that:~~

~~(a) The notice is translated orally or by other means to the parent (or adult student) in his or her native language or other mode of communication;~~

~~(b) The parent (or adult student) understands the content of the notice; and~~

~~(c) There is written evidence that the requirements in (a) and (b) of this subsection have been met.)) WAC 392-172-306 is adopted by reference. Where the adopted rule refers to WAC 392-172-302, refer to WAC 148-171-500.~~

NEW SECTION

WAC 148-171-512 Parent consent. WAC 392-172-304 is adopted by reference. Where the adopted rule refers to WAC 392-172-185 (reevaluation), refer to WAC 148-171-120.

NEW SECTION

WAC 148-171-514 Transfer of parental rights at age of majority. WAC 392-172-309 is adopted by reference.

NEW SECTION

WAC 148-171-550 Mediation. In order to ensure that mediation is available to resolve disagreements concerning the identification, evaluation, educational placement of the student or provision of FAPE to the student, and disputes involving any matter where a hearing is requested under this chapter, WAC 392-172-310 through 392-172-317 are adopted and incorporated by reference.

((HEARINGS))

NEW SECTION

WAC 148-171-601 Due process rights and procedures. (1) Hearing rights and procedures shall be consistent with the requirements applicable to public agencies in WAC 392-172-350 through 392-172-364, which are adopted by reference.

(2) A parent, adult student, or the superintendent (or designee) may initiate a hearing in any of the matters and for the purposes stated in WAC 392-172-350(1).

(3) Where the adopted rule refers to WAC 392-172-150 (independent educational evaluation), refer to WAC 148-171-140.

NEW SECTION

WAC 148-171-605 Request for hearing, notice by parent. In addition to the information required in WAC 392-172-350(2), the parent, adult student, or the attorney representing the student must provide notice (which must remain confidential) to the Washington school for the deaf in a request for a hearing to the office of the superintendent of public instruction. The notice must include:

- (1) The name of the student;
- (2) The address of the residence of the student;
- (3) The name of the school the student is attending;
- (4) A description of the nature of the problem of the student relating to the proposed initiation or change, including facts relating to the problem; and
- (5) A proposed resolution of the problem to the extent known and available to the parents at the time.

AMENDATORY SECTION (Amending WSR 90-16-016, filed 7/19/90, effective 8/19/90)

WAC 148-171-650 Surrogate parents. ~~((1) The school shall ensure that the rights of the nonadult student are protected when:~~

- ~~(a) No parent (as defined in WAC 148-171-010(3)) can be identified;~~
- ~~(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or~~
- ~~(c) The student is a dependent of the state.~~
- ~~(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:~~

- ~~(a) For determining whether a nonadult student needs a surrogate parent; and~~
 - ~~(b) For assigning a surrogate parent to the student.~~
 - ~~(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:~~
 - ~~(a) Has no interest that conflicts with the interests of the student he or she represents; and~~
 - ~~(b) Has knowledge and skills that assure adequate representation of the student.~~
 - ~~(4) Nonemployee requirement—Compensation:~~
 - ~~(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and~~
 - ~~(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.~~
 - ~~(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:~~
 - ~~(a) The identification, assessment, and educational placement of the student; and~~
 - ~~(b) The provision of free appropriate public education to the student.)~~
- WAC 392-172-308 is adopted by reference. The definition of "parent" in WAC 392-172-035(5) is adopted by reference in WAC 148-171-010.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 148-171-130	Summary analysis of assessment data.
WAC 148-171-200	Definition.
WAC 148-171-400	Annual review of placement and student progress—Program evaluation.
WAC 148-171-420	Reassessment purposes.
WAC 148-171-430	Reassessment notice.
WAC 148-171-600	Right to initiate.
WAC 148-171-610	Hearing rights.
WAC 148-171-620	Timeline for decision.
WAC 148-171-630	Petition for review.
WAC 148-171-640	Student's status during proceedings.
WAC 148-171-700	Administration of medication.

**WSR 01-12-062
PROPOSED RULES
WASHINGTON STATE
SCHOOL FOR THE DEAF**
[Filed June 4, 2001, 9:29 a.m.]

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

Title of Rule: Chapter 148-120 WAC, Student conduct code.

Purpose: To implement federal regulatory changes regarding discipline enacted March 12, 1999, resulting from the 1997 amendments to the Individuals with Disabilities Education Act and conform procedures to state law.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: 20 U.S.C. §§ 1400 et seq.

Summary: Changes are needed to comply with the federal regulatory changes regarding discipline for children with disabilities adopted on March 12, 1999, as a result of the 1997 amendments to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the corresponding state regulatory changes related to disciplinary exclusion adopted by the State Educational Agency, Office of the Superintendent of Public Instruction, on January 1, 2000.

Reasons Supporting Proposal: Required by federal and state law.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Attorney General's Office, 1220 Main Street, Suite 510, Vancouver, WA 98660, (360) 759-2100; Implementation and Enforcement: Len Aron, Washington

PROPOSED

School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, (360) 414-0400.

Name of Proponent: Washington State School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new and revised rules implement the 1997 amendments to the Individuals with Disabilities Education Act ("IDEA '97") and the regulations of the United States Department of Education related to discipline and disciplinary exclusion of children with disabilities adopted as a result of IDEA '97. The rules also provide policies and procedures which are consistent with corresponding regulations of the Office of the Superintendent of Public Instruction, the state educational agency responsible for ensuring compliance by public agencies involved in the delivery of special education.

Proposal Changes the Following Existing Rules: As described above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No small business impacts have been identified.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 does not apply to this rule adoption. The rules are not considered significant legislative rules by the Washington School for the Deaf.

Hearing Location: Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661, on July 10, 2001, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Smith by July 3, 2001, TTY (360) 414-0401.

Submit Written Comments to: Len Aron, Superintendent, Washington School for the Deaf, 611 Grand Boulevard, Vancouver, WA 98661-4918, fax (360) 696-6291, by July 6, 2001.

Date of Intended Adoption: July 10, 2001.

May 29, 2001

Len Aron

Superintendent

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-100 Conduct violations. A student who, either as actor, aider, abettor, or accomplice (~~as defined in RCW 9A.08.020~~), violates any provision of this chapter shall be subject to the disciplinary actions herein adopted. A student may be an accomplice, or found to have aided and abetted in the commission of a violation of the student conduct code if he or she knowingly associates with the wrongful purpose, undertaking, or activity; encourages, promotes, or counsels another student in the commission of an offense, or participates in it as in something he or she desires to bring about, and seeks by his or her action to make it succeed.

The following offenses are prohibited:

(1) Physical abuse. Actual, attempted, or threatened physical abuse of any person or conduct which threatens or endangers the health and safety of any person or which inten-

tionally causes a reasonable apprehension of harm to any person.

(2) Destroying or damaging property. Destroying, defacing, or damaging school property or the property of others on school premises or at school-sponsored activities.

(3) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(4) Disruption. Disorderly, intimidating or abusive behavior which interferes with the rights of others, school, or school-sponsored activities; obstructing the free movement of people or vehicles; inciting others to engage in prohibited conduct; or threatening disruption.

(5) Insubordination. Refusal or failure to follow instructions and proper orders of school officials, while on school property, during transportation to and from school, or at school-sponsored activities, thereby infringing upon the rights and privileges of others, and/or refusal to desist from prohibited conduct.

(6) False alarms. Falsely setting off, improper use or disabling of any safety equipment, alarm, exit sign, or other device.

(7) False information. Filing a formal complaint which falsely accuses another with violation of this chapter, falsifying information to school officials, or forging or tendering any forged instrument to the school.

(8) Theft. Actual or attempted theft of property or services belonging to the school, any student, school employee, or school visitor, including knowing possession of stolen property.

(9) Academic dishonesty. All forms of cheating, plagiarism and fabrication, including submitting any work product that the student misrepresents as his or her work product for the purpose of fulfilling any assignment or task required as part of the student's course of studies.

(10) Conversion. Unauthorized use or possession of school equipment or services.

(11) Unlawful entry and trespassing. Entering and/or remaining in any administrative or other employee office or any locked or otherwise closed school facility, in any manner, at any time, without permission.

(12) Smoking. Students are not allowed to smoke or use tobacco products on school property or during school-sponsored activities.

(13) Alcohol. Use, possession, distribution of, or visible intoxication from alcoholic beverages is prohibited on school property or at school-sponsored activities.

(14) Drugs and controlled substances. Use, possession, distribution, or being visibly under the influence of any (~~narco-~~ ~~otic or~~) controlled substance or illegal drug as defined in (~~the Uniform Controlled Substances Act, chapter 69.50 RCW, as amended~~) WAC 148-120-300, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(15) Weapons and dangerous chemicals. Unauthorized use, possession or storage of any weapon, explosives, dangerous chemicals, substances or instruments, which may be used

to inflict bodily harm on another or damage upon school property or personal property.

(16) Other conduct. Any other conduct or action, the terms and violations of which are published annually in the student/parent handbook, in which the school can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the school or the health or safety of any member of the school community is prohibited.

~~((DISCIPLINARY PROCESS AND PROCEDURES))~~
DISCIPLINE

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-200 Policy. The Washington school for the deaf has established standards of conduct for students and the disciplinary process to protect members of the school community, maintain and advance its educational mission, and provide for the orderly conduct of the school's activities. Disciplinary procedures used by the school are considered part of its educational process. School policy and rules of conduct shall be applicable to all students in any program or activity conducted by the Washington school for the deaf. In every case of misconduct, the nature and circumstances of the violation will be considered and appropriate disciplinary actions will be administered on a less restrictive alternative basis, including but not limited to time out, detention, behavior contracts, restriction of privileges, reprimand, restitution, suspension or expulsion.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-220 Short-term suspension. (1) As used in this chapter, "short-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property for up to and not exceeding ten consecutive school days.

(2) ~~((Unless otherwise prohibited,))~~ Short-term suspension may be imposed upon a student for violation(s) of student conduct code rules.

(3) A student may be suspended for a short-term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a consequence of misconduct of the same nature: Provided, That the school may resort to immediate short-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, (a) of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, as to warrant immediate resort to short-term suspension, and/or (b) so serious in nature and/or in terms of the disruptive effect upon the operation of the school, as to warrant immediate resort to short-term suspension.

(4) Any student subject to short-term suspension shall be provided the opportunity upon return to make up assignments and tests missed by reason of the suspension if such assignments or tests have a substantial effect upon academic standing.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-225 Short-term suspension—Notice and conference—Grievance procedure. (1) Prior to the short-term suspension of any student pursuant to WAC 148-120-220, a conference shall be conducted with the student as follows:

(a) Notice of the alleged misconduct and violation(s) of school rules shall be provided to the student in writing or the mode of communication of the student;

(b) An explanation of the evidence in support of the allegation(s) shall be provided to the student in writing or the mode of communication of the student;

(c) An explanation of the ~~((disciplinary))~~ corrective action or discipline which may be imposed shall be provided to the student in writing or the mode of communication of the student; and

(d) The student shall have the opportunity to present his/her explanation.

(2) In the event a suspension is to exceed one calendar day the parent(s) or guardian(s) of the student shall be notified of the reason for the student's suspension and the duration of the suspension orally and/or by letter deposited in the United States mail as soon as reasonably possible. The notice shall also inform the parent or guardian of the right to ~~((a brief adjudicative proceeding))~~ an informal conference pursuant to subsection (3) of this section and that the suspension may possibly be reduced as a result of such ~~((proceeding))~~ conference.

(3) Any student, parent, or guardian aggrieved by the imposition of a short-term suspension ~~((pursuant to WAC 148-120-220,))~~ shall have the right to ~~((a brief adjudicative proceeding under WAC 148-108-100 as soon as reasonably possible))~~ an informal conference with the principal or his or her designee for the purpose of resolving the grievance. During the conference, the student, parent, or guardian shall be subject to questioning by the principal or his or her designee and shall be entitled to question school personnel involved in the matter being grieved. If the grievance is not resolved, the student, parent, or guardian, upon two school business days' prior notice, shall have the right to present a written and/or oral grievance to the superintendent who shall notify the student, parent, or guardian of his or her response to the grievance within ten school business days after receipt of the written or oral grievance. The disciplinary action may continue notwithstanding the implementation of the ~~((brief adjudicative proceeding))~~ grievance procedure set forth in this section.

~~((4))~~ The presiding officer shall give a written decision including a brief statement of the reasons for the decision within ten days of the brief adjudicative proceeding.)

PROPOSED

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-230 Long-term suspension. (1) As used in this chapter, "long-term suspension" shall mean a denial of attendance at any class or admission to or entry upon school property in excess of ten consecutive school days.

(2) ~~((Unless otherwise prohibited,))~~ Long-term suspensions may be imposed on a student for violation(s) of student conduct code rules.

(3) When a student engages in conduct that would warrant long-term suspension, the ~~((student, parent(s) or guardian(s) shall be notified immediately of the misconduct, the disciplinary action proposed, and the time and location of any individualized education program (IEP) team meeting review.~~

(4) ~~If long-term suspension is recommended, the school shall convene a meeting to review the student's IEP pursuant to WAC 148-171-210. The IEP team shall determine whether the misconduct is a manifestation of or is substantially related to the student's handicapping condition(s).~~

(5) ~~If the IEP team concludes that the misconduct is not a manifestation of the student's handicapping condition(s), the student may be disciplined under the procedures set forth in WAC 148-120-234 through 148-120-236.~~

(6) ~~If the IEP team concludes that the misconduct is a manifestation of the student's handicapping condition(s), suspension for more than ten days shall not be imposed unless:~~

(a) ~~The school and parent(s) or guardian(s) agree otherwise; or~~

(b) ~~The IEP team recommends a change of placement.~~

(7) ~~A student involved in the complaint shall remain at the school during the pendency of any administrative or judicial proceeding, unless:~~

(a) ~~The student's misconduct poses an immediate threat to the safety of others or where maintaining the student in his/her current placement at the school has a substantial likelihood of resulting in injury either to the student or to others; or~~

(b) ~~The school, student, and parent(s) agree otherwise.~~

(8) ~~A party may request a hearing pursuant to WAC 148-171-600, on any manner described in this section.~~

(9) ~~Nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.)~~ requirements and procedures for disciplinary exclusion, found in WAC 148-120-300 through 148-120-313 shall be followed.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-234 Long-term suspension—Misconduct ~~((unrelated to handicapping condition(s)))~~ not a manifestation of disability—Notice. (1) Following a determination that behavior which warrants a long-term suspension was not a manifestation of the student's disability, a student may be suspended for a long term after another less restrictive form of disciplinary action, reasonably calculated to modify his or her conduct, has been imposed as a conse-

quence of misconduct of the same nature: Provided, That the school may resort to immediate long-term suspension in cases involving exceptional misconduct notwithstanding the fact that prior alternative corrective action or discipline has not been imposed. For the purposes of this section, "exceptional misconduct" means misconduct, other than absenteeism, (a) of such frequent occurrence, notwithstanding prior attempts by the school to control such misconduct through the use of other forms of disciplinary action, as to warrant immediate resort to long-term suspension, and/or (b) so serious in nature and/or in terms of the disruptive effect upon the operation of the school, as to warrant immediate resort to long-term suspension.

(2) Prior to the long-term suspension of any student for misconduct ~~((unrelated to his/her handicapping condition(s)))~~ which was not a manifestation of the student's disability, written notice of an opportunity for a hearing shall be delivered in person or by certified mail to the student and parent(s) or guardian(s). The notice shall:

(a) Be provided in the predominant language of a student and/or a parent(s) or guardian(s) who predominantly speak a language other than English, to the extent feasible;

(b) Specify the alleged misconduct and the rule(s) alleged to have been violated;

(c) Set forth the disciplinary action proposed;

(d) Set forth the right of the student and/or his or her parent(s) or guardian(s) to a hearing for the purpose of contesting the allegation(s).

(e) State that a written request for a hearing must be received by the school employee designated, or by his or her office within three school business days after receipt of the notice of opportunity for a hearing; and

(f) State that if such a request is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed. A schedule of school business days should be included with the notice.

(3) If a request for a hearing is not received within the required three school business day period, the school may deem the student and his or her parent(s) or guardian(s) to have waived the right to a hearing and the proposed long-term suspension may be imposed.

AMENDATORY SECTION (Amending WSR 94-13-058, filed 6/8/94, effective 7/9/94)

WAC 148-120-236 Long-term suspension—Misconduct ~~((unrelated to handicapping condition(s)))~~ not a manifestation of disability—Hearing ~~((—Appeal))~~. (1) If a request for a hearing is received pursuant to WAC 148-120-234 within the required time period, the school shall schedule a hearing to commence within seven school days after the date upon which the request for a hearing was received.

(2) ~~((The student and parent(s) or guardian(s) has the right to:~~

(a) ~~Inspect in advance of the hearing any documentary and other physical evidence which the school intends to introduce at the hearing;~~

(b) ~~Be advised or represented by an attorney;~~

~~(e) Present relevant evidence, confront and compel the attendance of witnesses.~~

~~(3) The designee of the school assigned to present the school's case shall have the right to inspect in advance of the hearing any documentary and other physical evidence which the student and parent(s) or guardian(s) intends to introduce at the hearing;~~

~~(4) The person(s) hearing the case shall not be a witness and the decision on the suspension shall be based solely on the evidence presented at the hearing.~~

~~(5) A written or electronic verbatim record of the hearing shall be made.~~

~~(6) A written decision setting forth findings of fact, conclusions, and the nature and duration of the long-term suspension or lesser form of disciplinary action to be imposed, if any, shall be provided to the student, parent(s) or guardian(s), and attorney.~~

~~(7) If a request for hearing is not received within the prescribed period of time, then the right to a hearing may be deemed to have been waived and the proposed long-term suspension may be imposed without any further opportunity for the student or his or her parent(s) to contest the matter.~~

~~(8) A decision which imposes a long-term suspension upon a student shall be final and no further appeal within the school is provided.~~

~~(9)) The hearing shall be a brief adjudicative proceeding in accordance with WAC 148-108-100. The hearing process described in WAC 180-40-270, applicable to long-term suspensions involving students without disabilities, should apply as guidelines for the conduct of the brief adjudicative proceeding.~~

(3) During the pendency of any administrative or judicial proceeding involving suspension under this section, unless the school and the parent(s) of the student (or the ~~((adult))~~ eligible student as defined in WAC 148-171-010(1)) agree otherwise, the student shall remain in the educational placement he or she was in when the request for hearing was made: Provided, That nothing in this section shall be construed to limit the superintendent's ability to seek injunctive relief in appropriate cases from a court of competent jurisdiction.

DISCIPLINARY EXCLUSION

NEW SECTION

WAC 148-120-300 Disciplinary exclusion—Definitions. The following definitions apply to this section only:

(1) "Controlled substance" means a drug or other substance identified under Schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. Sec. 812(c)).

(2) "Illegal drug" means a controlled substance, but does not include, a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(3) "Weapon" has the meaning given the term "dangerous weapon" under section 930(g)(2) of Title 18 U.S.C.:

"Dangerous weapon" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

(4) "Substantial evidence" means beyond a preponderance of the evidence.

NEW SECTION

WAC 148-120-301 Change of placement for disciplinary removals. For purposes of removals of a student from the student's current educational placement under this section, a change of placement occurs if:

(1) The removal is for more than ten consecutive school days; or

(2) The student is subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

NEW SECTION

WAC 148-120-302 Removals—Ten school days or less. School personnel may order the removal of a student from the student's current placement for not more than ten consecutive school days for any violation of school rules, including the student conduct code, and additional removals of not more than ten consecutive school days in that same school year for separate incidents of misconduct as long as those removals do not constitute a change of placement under WAC 148-120-202.

NEW SECTION

WAC 148-120-303 Required services. (1) In the case of a student who has been removed from his or her current placement for more than ten cumulative school days in the same school year, the school, for the remainder of the removals, shall provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and advance toward achieving the goals set out in the student's individualized education program.

(2) When there is no change of placement, school personnel, in consultation with the student's special education teacher, determine the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.

NEW SECTION

WAC 148-120-304 Change of placement—Removals for weapons or drugs. School personnel may order a change in placement of a student to an appropriate interim alternative educational setting for not more than forty-five calendar days, if the student:

PROPOSED

(1) Possesses a weapon, or carries a weapon to school or to a school function under the jurisdiction of the school for the deaf; or

(2) Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of the school for the deaf.

NEW SECTION

WAC 148-120-305 Functional behavioral assessment and intervention plan. Within ten business days after first removing a student for more than ten consecutive school days in a school year or placing the student in an interim alternative educational setting, the following actions shall be taken by the school:

(1) If the school did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the student before the behavior that resulted in the removal occurred, an individualized education program meeting will be convened to develop an assessment plan.

(2) If the student already has a behavioral intervention plan, the individualized education program team shall meet to review the plan and its implementation to determine whether modifications are necessary.

(3) As soon as practicable after developing the assessment plan described in subsection (1) of this section, and completing the assessments required by the plan, an IEP meeting will be convened to develop appropriate behavioral interventions to address the behavior that resulted in removal and to implement those interventions.

(4) If a student has a behavioral intervention plan and has been removed from the current educational placement for more than ten cumulative school days in a school year, and is subsequently subjected to a removal that does not constitute a change of placement under WAC 148-120-301, the IEP team may review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(5) If one or more of the IEP team members believe that modifications to an existing behavioral intervention plan are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

NEW SECTION

WAC 148-120-306 Dangerous behavior—Authority of hearing officer. A hearing officer, described in WAC 392-172-352 (adopted by reference in WAC 148-171-601), may order a change in the placement of a student to an appropriate interim alternative educational setting for not more than forty-five days if the hearing officer, in an expedited due process hearing:

(1) Determines that the school has demonstrated by substantial evidence that maintaining the current placement of the student is substantially likely to result in injury to the student or to others;

(2)(a) Considers the appropriateness of the student's current placement;

(b) Including, when necessary, the requirements and limitations imposed by RCW 72.40.040(4), 72.40.050(2), 72.40.250(2), and 72.40.270;

(3) Considers whether the school has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and

(4) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of WAC 148-120-307.

NEW SECTION

WAC 148-120-307 Determination of interim alternative educational setting. The individualized education program team shall determine an interim alternative educational setting. Any interim alternative educational setting in which a student is placed under WAC 148-120-304 and 148-120-306 shall:

(1) Be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current individualized education program, that will enable the student to meet the goals set out in that individualized education program; and

(2) Include services and modifications designed to address and prevent the recurrence of the behavior described in WAC 148-120-304 or 148-120-306.

NEW SECTION

WAC 148-120-308 Manifestation determination review requirements. If school personnel or a hearing officer contemplates action that involves removing a student for behavior described in WAC 148-120-304 or behavior that is substantially likely to result in injury to the student or to others, or other behavior that violates any rule or code of conduct which results in a change of placement under WAC 148-120-301, the school shall:

(1) Not later than the date on which the decision to take action is made, notify the parents of the school's decision and provide the procedural safeguards notice described under WAC 392-172-307; and

(2) Immediately, if possible, but in no case later than ten school days after the date on which the decision to remove the student is made, conduct a review of the relationship between the student's disability and the behavior subject to the disciplinary action.

NEW SECTION

WAC 148-120-309 Procedures for conducting a manifestation determination. The individualized education program team and other qualified personnel in a meeting shall conduct a manifestation determination review. In carrying out the review, the team may determine that the behavior of the student was not a manifestation of the student's disability only if the team:

(1) First considers, in terms of the behavior subject to disciplinary action, all relevant information, including:

(a) Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

(b) Observations of the student; and

(c) The student's individualized education program and placement.

(2) Then determines that:

(a) In relationship to the behavior subject to disciplinary action, the student's individualized education program and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's individualized education program and placement;

(b) The student's disability did not impair the ability of the student to understand the impact and consequences of the behavior subject to disciplinary action; and

(c) The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.

(3) If the team determines that any of the above standards in this section were not met, the behavior must be considered a manifestation of the student's disability.

(4) The manifestation determination review described in this section may be conducted at the same individualized education program meeting that is convened to address a functional behavioral assessment and behavioral intervention plan.

(5) If the review identifies deficiencies in the student's IEP or placement or in their implementation, the school will take immediate steps to remedy those deficiencies.

NEW SECTION

WAC 148-120-310 Determination that behavior was not manifestation of disability. (1) If the results of the manifestation determination review indicate that the behavior of the student was not a manifestation of the student's disability, the student may be subject to the same disciplinary measures applicable to students without disabilities, including long-term suspensions and expulsions, except that a free appropriate public education shall continue to be made available to those students consistent with 34 CFR Sec. 300.121(d).

(2) The student's IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP if the student is removed because of behavior that has been determined not to be a manifestation of the student's disability.

(3) If a parent requests a hearing to challenge the determination that the behavior of the student was not a manifestation of the student's disability, then the student shall remain in the current educational placement or interim alternative educational setting consistent with WAC 148-120-312, whichever applies.

NEW SECTION

WAC 148-120-311 Expedited due process hearings.

(1) "Expedited due process hearing" means a hearing that is conducted by a due process hearing officer, in accordance with WAC 148-171-601 (impartial due process hearing rights) and this section, and may be requested in any of the following situations:

(a) The parent disagrees with a determination that the student's behavior was not a manifestation of the student's disability.

(b) The parent disagrees with the school's decision regarding the student's disciplinary change of placement under WAC 148-120-304.

(c) The school maintains that it is dangerous for the student to return to the current placement (placement prior to removal to the interim alternative educational setting) after the expiration of the student's placement in an interim alternative educational setting or to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings.

(2) Pursuant to WAC 392-172-350 (adopted by reference in WAC 148-171-601) the office of superintendent of public instruction shall arrange for an expedited hearing in any case described in subsection (1) of this section if requested by the parent.

(3) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the school has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of WAC 148-120-309.

(4) In reviewing a decision to place the student in an interim alternative educational setting, the hearing officer shall apply the standards under WAC 148-120-306.

(5) An expedited due process hearing shall:

(a) Result in a written decision being mailed to the parties within forty-five days of the office of superintendent of public instruction's receipt of the request for the hearing without exceptions or extensions. The timeline established in this subsection shall be the same for hearings requested by parents or the school;

(b) Meet the requirements of WAC 392-172-354 (adopted by reference in WAC 148-171-601) except that the time periods identified for the disclosure of records and evaluations for purposes of expedited due process hearings are not less than two business days prior to the hearing; and

(c) Be conducted by a due process hearing officer who satisfies the impartiality requirements of WAC 392-172-352 (adopted by reference in WAC 148-171-601).

(6) The decisions on expedited due process hearings are appealable under the state's due process appeal procedures (see WAC 148-171-601 and 392-172-360).

NEW SECTION

WAC 148-120-312 Placement during appeals. (1) If a parent requests a hearing regarding a disciplinary action described in WAC 148-120-304 or 148-120-306 to challenge the interim alternative educational setting or the manifesta-

PROPOSED

tion determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the forty-five day time period provided for, whichever occurs first, unless the parent and the school agree otherwise.

(2) If a student is placed in an interim alternative educational setting pursuant to this section and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the student must remain in the current placement (the student's placement prior to the interim alternative educational setting), except as provided for below.

(3) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards under WAC 148-120-211.

(4) A placement ordered pursuant to this section may not be longer than forty-five days.

(5) The procedure in this section may be repeated as necessary.

NEW SECTION

WAC 148-120-313 Referral to and action by law enforcement and judicial authorities. (1) Nothing in Part B of the Individuals with Disabilities Education Act, or this chapter prohibits the Washington school for the deaf from reporting a crime committed by a student to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student.

(2) When reporting a crime committed by a student, the school shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(3) When reporting a crime under this section, the school may transmit copies of the student's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

NEW SECTION

WAC 148-120-314 Aversive interventions. WAC 392-172-388 through 392-172-396 are adopted by reference.

WSR 01-12-063

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed June 4, 2001, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-09-026.

Title of Rule: WAC 308-130-150 Landscape architect fees.

Purpose: This rule is needed to increase the charge that candidates pay for the landscape architect registration examination and the department collects on the vendor's behalf.

Statutory Authority for Adoption: RCW 18.96.080 Fees and 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

Statute Being Implemented: RCW 43.24.086 Fee policy for professions, occupations and businesses; requires fees to be at a sufficient level to defray the costs of administering the program.

Summary: This is a national driven fee increase and not the request of the department.

Reasons Supporting Proposal: The cost of the examinations are charged directly to the candidates for registration.

Name of Agency Personnel Responsible for Drafting: Joan Y. Robinson, 405 Black Lake Boulevard, Olympia, (360) 664-1386; **Implementation and Enforcement:** Margaret Epting, 405 Black Lake Boulevard, Olympia, (360) 664-1386.

Name of Proponent: Landscape Architect Registration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The examination vendor has increased the examination charges. This rule is needed to increase the examination charges that candidates pay for the examination, to a sufficient level to meet the cost of purchasing the examinations for the candidates.

Proposal Changes the Following Existing Rules: It increases the charges that are collected from candidates for the examinations ordered from the test vendor. The charges recovered by the department shall be refunded to the vendor for the cost of the examinations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This increase in charges is to individual applicants, not business enterprises. The vendor will provide the tests only at these prices. The costs are not negotiable.

Without these increases in examination charges the refund account would be a deficit with the first examination session.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This section of regulations is not a "significant legislative rule" as defined by RCW 34.05.328 (5)(c)(iii) and is exempt under the provisions of RCW 34.05.38 [34.05.328] (5)(b)(vi).

Hearing Location: Department of Licensing, 405 Black Lake Boulevard, Conference Room 1, Olympia, WA 98502, on July 12, 2001, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Joan Y. Robinson by July 10, 2001, TDD (360) 586-2788, or (360) 664-1387.

Submit Written Comments to: Margaret Epting, Landscape Architect Registration Board, P.O. Box 9045, Olympia, WA 98507-9045, fax (360) 664-2551, by July 10, 2001.

PROPOSED

Date of Intended Adoption: July 12, 2001.

May 17, 2001
 Alan E. Rathbun
 Assistant Director

WSR 01-12-069
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

(Division of Employment and Assistance Programs)
 [Filed June 4, 2001, 4:16 p.m.]

AMENDATORY SECTION (Amending WSR 01-04-002, filed 1/25/01, effective 2/25/01)

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates for examination:

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement certificate	20.00

Those charges collected from candidates shall be paid to CLARB for the costs of the examinations.

Examination and Sections	Charges
Entire examination	\$ (570.00) <u>660.00</u>
Examination sections:	
Section A: Legal and administrative aspects of practice	((45.00)) <u>50.00</u>
Section B: Analytical aspects of practice	((85.00)) <u>90.00</u>
Section C:	
Planning and site design	((175.00)) <u>185.00</u>
Section D:	
Structural considerations and materials and methods of construction	((140.00)) <u>150.00</u>
Section E:	
Grading, drainage and stormwater management	((175.00)) <u>185.00</u>

Original Notice.

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

Title of Rule: WAC 388-470-0075 How is my vehicle counted for food assistance?

Purpose: Treats licensed vehicles as inaccessible resources by excluding those with an equity value less than \$1500. If a vehicle is not excluded, then we count the fair market value greater than \$4650 toward the resource limit for:

(a) One vehicle for each adult household member no matter how the vehicle is used; and

(b) Any vehicle a household member under age eighteen uses to drive to work, school, training, or to look for work.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.510.

Statute Being Implemented: RCW 74.08.090 and 74.04.510.

Summary: Amending rule to exclude licensed vehicles as inaccessible resources if their equity value is less than \$1500.

Reasons Supporting Proposal: Many working families formerly ineligible for benefits will now be eligible to receive food assistance and will no longer have to sacrifice nutritional needs in order to own a reliable vehicle that is helping them achieve self-sufficiency.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Vicky T. Robinson, Division of Employment and Assistance Programs, (360) 413-3031.

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

Rule is necessary because of federal law, 7 C.F.R. 273.8.

Explanation of Rule, its Purpose, and Anticipated Effects: Excludes the value of those vehicles with an equity value less than \$1500. If a vehicle is not excluded, then we count the fair market value greater than \$4650 toward the resource limit for:

(a) One vehicle for each adult household member no matter how the vehicle is used; and

(b) Any vehicle a household member under age eighteen uses to drive to work, school, training, or to look for work.

Proposal Changes the Following Existing Rules: Treats those vehicles that have an equity value less than \$1500 as inaccessible resources. Also changes how the department counts fair market value greater than \$4650 depending on who uses the vehicle and how the vehicle is used.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses.

PROPOSED

RCW 34.05.328 does not apply to this rule adoption. This rule change does not meet the definition of a significant legislative rule.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on July 10, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by July 2, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail coopeKD@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Kelly Cooper, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by July 10, 2001.

Date of Intended Adoption: No sooner than July 11, 2001.

June 1, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-470-0075 How is my vehicle ~~(s-are)~~ counted for food assistance ~~((:))~~? ~~(1) ((The entire value of) If you own a licensed vehicle ((even during periods of temporary unemployment is excluded if the vehicle is)) we (the department) exclude its entire value, even when you are temporarily unemployed, if the vehicle is:~~

(a) ~~Used over fifty percent of the time for income-producing purposes such as a taxi, truck, or fishing boat. ((A excluded vehicle used by)) If you are a self-employed farmer or fisher ((retains its exclusion)) and your self-employment ends, we continue to exclude your vehicle for one year from the date ((the household member ends this)) you end your self-employment.~~

(b) ~~Used to produce income ((annually)) each year that is consistent with its fair market value (FMV), even if used on a seasonal basis.~~

(c) ~~Necessary for long-distance travel ((that is essential to)), other than daily commuting, for the employment of a ((an assistance unit)) household member whose resources are considered available to the assistance unit ((-Vehicles needed for daily commuting are not excluded under this provision)) (AU), such as an ineligible alien or disqualified person.~~

(d) ~~((Necessary)) Needed for hunting or fishing to support the household.~~

(e) ~~Used as the ((assistance unit's)) AU's home.~~

(f) ~~Used to carry fuel for heating or water for home use when this is the primary source of fuel or water for the ((assistance unit)) AU.~~

(g) ~~Needed to transport a physically disabled ((household)) AU member, no matter if the disability is permanent or temporary.~~

~~(((2)) The FMV in excess of four thousand six hundred fifty dollars is counted toward the assistance unit's resource limit for the following licensed vehicles if not excluded in subsection (1) above:~~

~~(a) One per assistance unit regardless of use;~~

~~(b) Used for transportation to and from work, training, or education; or~~

~~(c) Used for seeking employment))~~

~~(h) Likely to produce an equity value (FMV less what is owed on the vehicle) of no more than one thousand five hundred dollars.~~

~~(2) If your licensed vehicle is not excluded in subsection (1) above and the FMV is:~~

~~(a) Less than four thousand six hundred fifty dollars, we exclude each vehicle less than four thousand six hundred fifty dollars no matter how it is used;~~

~~(b) Greater than four thousand six hundred fifty dollars, we count the amount in excess of four thousand six hundred fifty dollars toward the resource limit for:~~

~~(i) One vehicle for each adult household member no matter how it is used; and~~

~~(ii) Any vehicle a household member under age eighteen uses to drive to work, school, training, or to look for work.~~

~~(3) ((For all)) If you have other licensed vehicles, we count the larger value of the following ((is counted)) toward the ((assistance unit's)) AU's resource limit:~~

~~(a) FMV ((in excess of four thousand six hundred fifty dollars)) greater than four thousand six hundred fifty dollars; or~~

~~(b) Equity value (FMV less what is owed on the vehicle).~~

~~(4) ((Unlicensed vehicles driven by tribal members on the reservation are treated like a licensed vehicle)) If you are a tribal member and drive an unlicensed vehicle on those reservations that don't require vehicle licensing, your vehicle will be treated like a licensed vehicle.~~

~~(5) For all other unlicensed vehicles we count the equity value ((is counted)) towards the ((assistance unit's)) AU's resource limit unless the vehicle is:~~

~~(a) Used to produce income ((annually)) each year that is consistent with its FMV, even if used on a seasonal basis; or~~

~~(b) Work-related equipment necessary for employment or self-employment of ((an assistance unit)) a household member.~~

~~(6) When excluding vehicles due to their equity value, we do not add up the values of multiple vehicles together. Each vehicle is evaluated separately and compared to your resource limit. For vehicles evaluated using the FMV test, we add the values of multiple vehicles together and compare the result to your resource limit.~~

WSR 01-12-074

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2001, 11:17 a.m.]

Original Notice.

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

Title of Rule: WAC 356-22-160 Examination ratings—Computation and 356-22-170 Examination results—Notice requirements.

Purpose: These rules pertain to Examination ratings—Computation and notice requirements.

PROPOSED

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

Summary: These modifications reflect current practice by the Department of Personnel. Department of Personnel no longer provides breakdowns on examinations due to budgetary constraints and changes to exams. WAC 356-22-170 is being repealed.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of WAC 356-22-160 is to address examination ratings and the current practice used to notify applicants of his/her final rating within a reasonable period after it is finalized. WAC 356-22-170 reflects the former practice of giving breakdowns on the examinations. WAC 356-22-170 is being repealed.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 12, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2001, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 9, 2001.

Date of Intended Adoption: July 12, 2001.

June 4, 2001
 Gene Matt
 Secretary

AMENDATORY SECTION (Amending Order 49, filed 8/17/72)

WAC 356-22-160 Examination ratings—Computation. All applicants for the same register for a class shall be accorded uniform and equal treatment in all phases of the examination procedure. All scores shall be based on a uniform rating or scoring procedure. In establishing passing points, the director may take into consideration the number of candidates and anticipated openings within limits established by the relevant job standards. Each applicant shall be sent written notice of his/her final rating within a reasonable period after it is finalized.

REPEALER

WAC 356-22-170

Examination results—Notice requirements.

**WSR 01-12-075
 PROPOSED RULES
 PERSONNEL RESOURCES BOARD**

[Filed June 5, 2001, 11:19 a.m.]

Original Notice.

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

Title of Rule: WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements.

Purpose: This rule pertains to removal of the name of an eligible from a register and/or certification.

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

Summary: This modification will reasonably limit a candidate from reapplying for one year after removal from a register.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule sets forth the reason a candidate may be removed from a register and/or certification. Given the extensive number of continuously open recruitment bulletins, this change will limit the ability of the candidate to reapply for one year following removal.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 12, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2001, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 9, 2001.

Date of Intended Adoption: July 12, 2001.

June 4, 2001
 Gene Matt
 Secretary

PROPOSED

AMENDATORY SECTION (Amending WSR 00-10-026, filed 4/24/00, effective 6/1/00)

WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements. (1) The director of personnel or designee may remove the name of an eligible from a register and/or certification for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register or a dual agency reversion register has waived three offers of employment for a position in the class for which the register was established.

(e) If a candidate from a promotional or open competitive register has waived consideration three times for a position in the class for which the register was established.

(f) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(g) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(h) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times. The director of personnel or designee will monitor all name removals for adverse effect and/or disparate treatment of affected group members. If a candidate is removed from a register for this reason, that candidate is not eligible to reapply for that same job class for one year.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(j) If the appointing authority reports that the eligible was offered employment but could not comply with the personal identification and work authorization requirements of the federal Immigration Reform and Control Act (I.R.C.A.).

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1)(b) or (c) of this section. The director of personnel or designee will advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the board upon appeal.

WSR 01-12-076

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 5, 2001, 11:21 a.m.]

Original Notice.

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

Title of Rule: WAC 356-30-305 Trial service period—Provision and 356-30-260 Probationary period—Provisions—Status of employee.

Purpose: These rules pertain to trial service periods and probationary periods.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These modifications are needed to address when employees are hired off a promotional or open competitive register prior to completing their probationary period. These employees will start a new probationary period rather than a trial service period.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules deal with the trial service period and the probationary period. An employee can be hired off of a promotional or open competitive register during their probationary period. These changes clarify that the employee would then start a new probationary period rather than a trial service period.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on July 12, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by July 5, 2001, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by July 9, 2001.

Date of Intended Adoption: July 12, 2001.

June 4, 2001
Gene Matt
Secretary

PROPOSED

AMENDATORY SECTION (Amending WSR 99-01-052, filed 12/10/98, effective 1/11/99)

WAC 356-30-305 Trial service period—Provision.

(1) Permanent ((E)) employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Employees who during their trial service period go on leave without pay or shared leave shall have their trial service period extended by the number of calendar days they are on leave without pay or shared leave, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of 30 in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed 30 calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

(6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

AMENDATORY SECTION (Amending WSR 99-01-052, filed 12/10/98, effective 1/11/99)

WAC 356-30-260 Probationary period—Provisions

—Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the board. Employees appointed from the open competitive or promo-

tional register prior to completing their probationary period shall start a new probationary period, except as provided in 356-30-280(2). The board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit

PROPOSED

while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

WSR 01-12-082

**WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD**

(By the Code Reviser's Office)

[Filed June 5, 2001, 2:27 p.m.]

WAC 314-16-150, proposed by the Liquor Control Board in WSR 00-23-109 appearing in issue 00-23 of the State Register, which was distributed on December 6, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-12-083

**WITHDRAWAL OF PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

(By the Code Reviser's Office)

[Filed June 5, 2001, 2:28 p.m.]

WAC 284-43-822, proposed by the Office of the Insurance Commissioner in WSR 00-23-127 appearing in issue 00-23 of the State Register, which was distributed on December 6, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-12-084

**WITHDRAWAL OF PROPOSED RULES
OFFICE OF THE
INSURANCE COMMISSIONER**

(By the Code Reviser's Office)

[Filed June 5, 2001, 2:29 p.m.]

WAC 284-66-030, 284-66-063, 284-66-066, 284-66-077, 284-66-092, 284-66-110, 284-66-120, 284-66-142 and 284-66-170, proposed by the Office of the Insurance Commissioner in WSR 00-23-128 appearing in issue 00-23 of the State Register, which was distributed on December 6, 2000,

is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-12-085

**WITHDRAWAL OF PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

(By the Code Reviser's Office)

[Filed June 5, 2001, 2:30 p.m.]

WAC 480-70-356, proposed by the Utilities and Transportation Commission in WSR 00-23-132 appearing in issue 00-23 of the State Register, which was distributed on December 6, 2000, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 01-12-090

**PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed June 6, 2001, 8:19 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-17-019.

Title of Rule: Registration of investment advisers and investment adviser representatives—Investment adviser registration depository (IARD).

Purpose: Revisions to chapter 460-24A WAC to implement mandatory electronic filing for investment advisers and investment adviser representatives using IARD, to make technical corrections, and to make other amendments to the chapter to promote uniformity.

Other Identifying Information: Chapter 460-24A WAC.

Statutory Authority for Adoption: RCW 21.20.450, [21.20].050, [21.20].100.

Statute Being Implemented: Chapter 21.20 RCW.

Summary: Proposed revisions to chapter 460-24A WAC would implement mandatory electronic filing for investment advisers and investment adviser representatives using IARD, make technical corrections to various sections, and to make other amendments to the chapter to promote uniformity.

Reasons Supporting Proposal: In 1996, congress passed the National Securities Markets Improvement Act (NSMIA). NSMIA bifurcated jurisdiction over investment advisers between the states and the federal Securities and Exchange Commission with larger advisers generally subject to federal jurisdiction and smaller firms under state jurisdiction. In addition, Section 306 of NSMIA directed the Securities and Exchange Commission (SEC) to establish and maintain "a

readily accessible telephonic or other electronic process to receive inquiries regarding disciplinary actions and proceedings involving investment advisers and persons associated with investment advisers."

In response, the SEC and the North American Securities Administrators Association (NASAA), in an effort to more efficiently and effectively regulate investment advisers and investment adviser representatives, developed the Investment Adviser Registration Depository (IARD). IARD will be operated by the NASD Regulation, Inc. (NASDR), the same firm that administers the Central Registration Depository (CRD) by which securities broker-dealers and their representatives have electronically registered with the SEC and the states for many years. In conjunction with the development of IARD, the SEC amended its rules to require all federal investment advisers to register electronically by April 30, 2001. It also amended Forms ADV and ADV-W, which are also used by state-registered advisers.

NASAA has developed model rules for the state adoption of IARD. As discussed below the IARD rules that are being proposed are designed to adopt these model rules. The anticipated benefits of IARD include the following:

1. The IARD will be an Internet-based system that advisers will access through computers in their offices without the need for specialized hardware or software. An adviser will be able to use the system to apply, amend and/or withdraw its registration.

2. The IARD will contain a number of features designed to make it easy for persons to complete Form ADV, even if they are unfamiliar with the form. The form will be completed on-line and will include a glossary and a help function. The system will not allow the submission of an incomplete form and will check for inconsistent information. The system, however, will allow the user to save a draft version of the form to allow the user to fill out the form over several sessions.

3. For firms registered as both broker-dealers and investment advisers, the IARD and CRD systems will be linked so that responses common to both IARD and CRD need be entered only once.

4. Current information submitted to the IARD by advisers will be available to the public through the IARD web site without charge. Interested persons will be able to search the database to retrieve information, including disciplinary records, about advisory firms and their representatives. Similar features are offered by CRD with respect to broker-dealers and securities salespersons, which allow investors to investigate these financial professionals before investing. IARD will bring these investor protection tools to investment adviser clients.

Filing Fees. NASDR is permitted to charge reasonable fees to cover system costs for IARD. The current IARD fee schedule for state registered advisers and their representatives is as follows:

1. Investment Adviser:
 - (a) Initial Filing — \$150
 - (b) Annual Renewal — \$100

2. Investment Adviser Representative (It is anticipated that IARD will not accommodate Investment Adviser Representatives until sometime in 2001):

- (a) Initial Filing — \$45
- (b) Annual Renewal — \$45
- (c) Transfer — \$45

These fees would be paid directly to IARD and would not be remitted to the Securities Division. The licensing fees required by the Securities Act would also be paid through IARD for the benefit of the state. Thus, an adviser filing its annual renewal would owe \$175 — \$75 for the licensing renewal fee due the Washington State Treasurer and \$100 for the IARD filing fee. All fees would be automatically calculated by IARD.

NASDR has agreed to waive the 2002 renewal fee of \$100 for state advisers that transition to IARD during 2001. Thus an IA transitioning to IARD in 2001 will pay the initial filing fee \$150, but will not have to pay further IARD fees until it renews for calendar year 2003 in late 2002.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: John L. Bley, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

Rule is necessary because of federal law, Section 306, National Securities Markets Improvement Act of 1996 (NSMIA).

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 460-24A-020 Investment adviser representatives employed by federal covered advisers: This new section, which is based on NASAA Model Rule 401g2-1, would serve to clarify that a solicitor associated with a federal covered adviser and having a place of business in Washington must register as an investment adviser representative in Washington unless the solicitor is "supervised person" under the Investment Advisers Act of 1940. RCW 21.20.005(14) already defines "investment adviser representative" to include solicitors. This section merely emphasizes that solicitors that are not supervised persons of federal covered advisers, and therefore not preempted from state investment adviser representative (IAR) registration, must register as IARs if they have places of business in Washington.

WAC 460-24A-047 Electronic filing with designated entity: This new section would designate IARD as the entity to receive and store filings made by investments advisers (IAs) and investment adviser representatives (IARs). Subsection (2) mandates electronic filing through IARD except as otherwise provided (see the hardship exemptions in subsection (4)). Subsection (3) addresses the evolving nature of IARD. IARD currently accepts filings from IAs only. The system is expected to accommodate IAR filing beginning sometime in 2002. Similarly, currently only Part 1 of Form ADV is filed electronically. Part 2 must be manually filed with the division until such time as IARD accepts Part 2. Subsection (3) establishes the notice that the division must provide to registrants before mandating electronic filing of documents or fees that are not currently accepted by IARD.

PROPOSED

Subsection (4) provides temporary and continuing hardship exemptions from the electronic filing requirements. A temporary exemption will be granted to an IA that experiences unexpected technical difficulties that prevent the submission of an electronic filing to IARD. A paper filing is made, followed by the appropriate electronic filing within seven days. A continuing hardship exemption may be granted if the IA is able to demonstrate that electronic filing is prohibitively burdensome.

WAC 460-24A-050 Investment adviser and investment adviser representative registration and examinations: Consistent with proposed WAC 460-24A-047, subsection (5) would be amended to direct that filings be made with IARD as opposed to the division.

WAC 460-24A-055 Effective date of license: This section would be amended to replace the term "salesperson" with "representative." In addition, the discussion of delinquent renewals is stricken from this section and moved to WAC 460-24A-057.

WAC 460-24A-057 Renewal of investment adviser and investment adviser representative registration—Delinquency fees: Subsection (1) of this new section would set forth the renewal requirements, which would be identical to the current requirements, except for the requirement to file electronically. Subsections (2) and (3) contain the discussion of delinquent renewals formerly found in WAC 460-24A-055.

WAC 460-24A-058 Completion of filing: This new section would provide that an application is not considered "filed" until the required fee and submissions have been received by IARD.

WAC 460-24A-060 Financial statements required on investment advisers: This section would be amended to use the term "balance sheet" as opposed to the more open-ended language that currently appears in this section. The amendment further specifies that the balance sheet be prepared according to generally accepted accounting principles (GAAP). The current language results in uncertainty concerning the type of financial statements to be filed.

WAC 460-24A-070 Notice filings for federal covered advisers: This new section would set forth the electronic notice filing requirements for federal covered advisers.

WAC 460-24A-080 Termination of investment adviser and investment adviser representative registration and federal covered adviser notice filing status: This new section would set forth the requirements for terminating a filing through IARD.

WAC 460-24A-105 Custody or possession of funds or securities of clients: Subsection (5) would be amended to substitute the term "director" for "administrator" consistent with the Securities Act, other sections in this chapter, and other chapters in Title 460 WAC.

WAC 460-24A-145 Investment adviser brochure rule: This section would be amended to better conform to the NASAA model brochure rule and the SEC's brochure rule found at 17 C.F.R. 275.204-3. Subsections (1) through (3) contain primarily technical amendments. Subsection (4) discusses an IA's duty to limited partners, LLC members and trust beneficiaries. Subsection (5) contains the requirements for wrap fee program brochures and is based on the SEC brochure rule. Subsection (6) clarifies the IA's duty to deliver

updated disclosure materials. Subsection (7) provides further elaboration on the omission of inapplicable information. Subsection (8) reinforces that compliance with the brochure rule does not relieve the adviser any other disclosure obligations that might be required under state and federal law. Subsection (9) deletes the definition of "investment company contact" since IAs to investment companies are federal covered advisers and not subject to this rule. Definitions of "sponsor" and "wrap fee program" are added.

WAC 460-24A-170 Minimum financial requirements for investment advisers: This section would be amended to adopt the provisions of NASAA Model Rule 202(d)-1. Subsection (1) of the new rule substitutes a simple net worth test for the more complicated net capital test used in the current rule. As before, only IAs with custody or discretion are subject to this subsection. An IA that has custody of client funds or securities would be required to maintain a minimum net worth of \$35,000, while an IA with discretionary authority, but not custody, would be required to maintain a minimum net worth of \$10,000. Under Subsection (2), a bond may be used to make up for deficiencies in the net worth requirement.

WAC 460-24A-200 Books and records maintained by investment advisers: This section, which has not been amended in over twenty-five years, would be amended to adopt the provisions of the NASAA model books and records rule (Model Rule 203(a)-1), which is in turn based on the SEC books and records rule (17 C.F.R. 275.204-2). Prior to the passage of NSMIA, the division relied on the SEC books and records rule since all investment advisers were subject to both state and federal jurisdiction. With the advent of divided jurisdiction under NSMIA, it is necessary to update this section.

WAC 460-24A-205 Notice of changes by investment advisers and investment adviser representatives: This section would be amended to reflect that filings would be made through IARD as opposed to directly with the division.

WAC 460-24A-210 Notice of complaint: This section would be amended to substitute the term "director" for "administrator" consistent with the Securities Act, other sections in this chapter, and other chapters in Title 460 WAC.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Since the proposal imposes no more than minor costs on investment advisers, a small business economic impact statement is not required pursuant to RCW 19.85.030(1). During the last quarter of 2000, resident state-registered investment advisers (IAs) were surveyed to determine whether they had the computer hardware and software required by the IARD system and the impact of the additional costs that would be imposed by IARD. One hundred ninety-five responses were received from the approximately 300 resident state-registered investment advisers. All respondents are small businesses as defined by RCW 19.85.020(1). Of the one hundred eighty-nine IAs responding to the question concerning the required computer hardware and software, over 95% stated that they already had the hardware and software required by IARD. When asked to rate that impact of the additional costs

imposed by IARD, approximately 66% of the one hundred seventy-six IAs responding characterized the additional costs as "insignificant" or "minor." Subsequent to the survey, the states participating in IARD negotiated with the NASD, the administrator of the IARD system, to reduce the impact on IAs by eliminating IARD renewal fees for 2002 for IA's transitioning onto IARD during 2001. Thus, an IA transitioning to IARD in 2001 will pay the \$150 initial filing fee, but will pay no further IARD fees until it renews for calendar year 2003.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in section 201.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 210 11th Avenue S.W., Suite 300, Olympia, WA 98504, on July 11, 2001, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by July 6, 2001, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov, by July 10, 2001.

Date of Intended Adoption: July 12, 2001.

May 29, 2001

John L. Bley
Director

NEW SECTION

WAC 460-24A-020 Investment adviser representatives employed by federal covered advisers. An individual employed by or associated with a federal covered adviser is an "investment adviser representative," pursuant to RCW 21.20.005(14), if the representative has a "place of business" in this state, as that term is defined under section 203A of the Investment Advisers Act of 1940, and:

(1) Is an "investment adviser representative" pursuant to the Investment Advisers Act of 1940; or

(2) Solicits, offers, or negotiates for the sale of or sells investment advisory services on behalf of a federal covered adviser, but is not a "supervised person" as that term is defined under the Investment Advisers Act of 1940.

NEW SECTION

WAC 460-24A-047 Electronic filing with designated entity. (1) Designation. Pursuant to RCW 21.20.050, the director designates the Investment Adviser Registration Depository operated by the National Association of Securities Dealers (IARD) to receive and store filings and collect related fees from investment advisers and investment adviser representatives on behalf of the director.

(2) Use of IARD. Unless otherwise provided, all investment adviser and investment adviser representative applications, amendments, reports, notices, related filings, and fees required to be filed with the director pursuant to the rules promulgated under this chapter, shall be filed electronically with

and transmitted to IARD. The following additional conditions relate to such electronic filings:

(a) Electronic signature. When a signature or signatures are required by the particular instructions of any filing to be made through IARD, a duly authorized officer of the applicant or the applicant him or herself, as required, shall affix his or her electronic signature to the filing by typing his or her name in the appropriate fields and submitting the filing to Web IARD. Submission of a filing in this manner shall constitute irrefutable evidence of legal signature by any individuals whose names are typed on the filing.

(b) When filed. Solely for purposes of a filing made through IARD, a document is considered filed with the director when all fees are received and the filing is accepted by IARD on behalf of the state.

(3) Electronic filing. Notwithstanding subsection (2) of this section, the electronic filing of any particular document and the collection of related processing fees shall not be required until such time as IARD provides for receipt of such filings and fees and thirty days' notice is provided by the director. Any documents required to be filed with the director that are not permitted to be filed with or cannot be accepted by IARD shall be filed in paper directly with the director.

(4) Hardship exemptions. Notwithstanding subsection (2) of this section, electronic filing is not required under the following circumstances:

(a) Temporary hardship exemption.

(i) Investment advisers registered or required to be registered under RCW 21.20.040, who experience unanticipated technical difficulties that prevent submission of an electronic filing to IARD, may request a temporary hardship exemption from the requirements to file electronically.

(ii) To request a temporary hardship exemption, the investment adviser must:

(A) File Form ADV-H in paper format with the appropriate regulatory authority in the state where the investment adviser's principal place of business is located, no later than one business day after the filing, that is the subject of the Form ADV-H, was due. If the state where the investment adviser's principal place of business is located has not mandated the use of IARD, the investment adviser should file the Form ADV-H with appropriate regulatory authority in the first state that mandates the use of IARD by the investment adviser; and

(B) Submit the filing that is the subject of the Form ADV-H in electronic format to IARD no later than seven business days after the filing was due.

(iii) Effective date—Upon filing. The temporary hardship exemption will be deemed effective by the director upon receipt of the complete Form ADV-H by appropriate regulatory authority noted in (a)(ii)(A) of this subsection. Multiple temporary hardship exemption requests within the same calendar year may be disallowed by the director.

(b) Continuing hardship exemption.

(i) Criteria for exemption. A continuing hardship exemption will be granted only if the investment adviser is able to demonstrate that the electronic filing requirements of this section are prohibitively burdensome.

PROPOSED

(ii) To apply for a continuing hardship exemption, the investment adviser must:

(A) File Form ADV-H in paper format with the director at least twenty business days before a filing is due; and

(B) If a filing is due to more than one state, the Form ADV-H must be filed with the appropriate regulatory authority in the state where the investment adviser's principal place of business is located. If the state where the investment adviser's principal place of business is located has not mandated the use of IARD, the investment adviser should file the Form ADV-H with appropriate regulatory authority in the first state that mandates the use of IARD by the investment adviser. Any applications received by the director will be granted or denied within ten business days after the filing of Form ADV-H.

(iii) Effective date—Upon approval. The exemption is effective upon approval by the director. The time period of the exemption may be no longer than one year after the date on which the Form ADV-H is filed. If the director approves the application, the investment adviser must, no later than five business days after the exemption approval date, submit filings in paper format (along with the appropriate processing fees) for the period of time for which the exemption is granted.

(c) Recognition of exemption. The decision to grant or deny a request for a hardship exemption will be made by the appropriate regulatory authority in the state where the investment adviser's principal place of business is located. If the state where the investment adviser's principal place of business is located has not mandated the use of IARD, the decision to grant or deny a request for a hardship exemption will be made by appropriate regulatory authority in the first state that mandates the use of IARD by the investment adviser. The decision will be followed by the director if the investment adviser is registered in this state.

AMENDATORY SECTION (Amending WSR 00-01-001, filed 12/1/99, effective 1/1/00)

WAC 460-24A-050 Investment adviser and investment adviser representative registration and examinations.

(1) Examination requirements. A person applying to be registered as an investment adviser or investment adviser representative under RCW 21.20.040 shall provide the director with proof that he or she has obtained a passing score on one of the following examinations:

(a) The Uniform Investment Adviser Law Examination (Series 65 examination); or

(b) The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination).

(2) Grandfathering. (a) Any individual who is registered as an investment adviser or investment adviser representative in any jurisdiction in the United States on the effective date of this amended rule shall not be required to satisfy the examination requirements for initial or continued registration, provided that the director may require additional examinations for any individual found to have violated the Securities Act of

Washington, Chapter 21.20 RCW, or the Uniform Securities Act. (b) An individual who has not been registered in any jurisdiction for a period of two (2) years shall be required to comply with the examination requirements of subsection (1).

(3) Waivers. The examination requirements shall not apply to an individual who currently holds one of the following professional designations:

(a) Certified Financial Planner (CFP) issued by the Certified Financial Planner Board of Standards, Inc.;

(b) Chartered Financial Consultant (ChFC) awarded by The American College, Bryn Mawr, Pennsylvania;

(c) Personal Financial Specialist (PFS) administered by the American Institute of Certified Public Accountants;

(d) Chartered Financial Analyst (CFA) granted by the Association for Investment Management and Research;

(e) Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America; or

(f) Such other professional designation as the director may by order recognize.

(4) If the person applying for registration as an investment adviser is any entity other than a sole proprietor, an officer, general partner, managing member, or other equivalent person of authority in the entity may take the examination on behalf of the entity. If the person taking the examination ceases to be a person of authority in the entity, then the investment adviser must notify the director of a substitute person of authority who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.

(5) Registration requirements.

(a) A person applying (~~(to be registered)~~) for initial registration as an investment adviser shall (~~(submit)~~) file a completed Form ADV with IARD along with the following:

(i) Proof of complying with the examination or waiver requirements specified in subsections (1) through ~~((5))~~ (4) above;

(ii) (~~(a completed Form ADV; (iii))~~) A financial statement demonstrating compliance with the requirements of WAC 460-24A-170, if necessary;

~~((iv))~~ (iii) The application fee specified in RCW 21.20.340; and

~~((v))~~ (iv) Such other documents as the director may require.

(b) A person applying (~~(to be registered)~~) for initial registration as an investment adviser representative shall (~~(submit)~~) file a completed Form U-4 with IARD along with the following:

(i) Proof of complying with the examination or waiver requirements specified in subsections (1) through ~~((5))~~ (4) above;

(ii) (~~(a completed Form U-4; (iii))~~) The application fee specified in RCW 21.20.340; and

~~((iv))~~ (iii) Such other documents as the director may require.

AMENDATORY SECTION (Amending WSR 95-16-026, filed 7/21/95, effective 8/21/95)

WAC 460-24A-055 Effective date of license. All investment adviser and investment adviser (~~(salesperson)~~)

~~representative licenses shall be effective until December 31 of the year of issuance at which time the license shall be renewed, or if not renewed, shall be deemed delinquent. ((For any renewal application postmarked after the expiration date but received by the director on or before March 1, the licensee shall pay a delinquency fee in addition to the renewal fee. No renewal applications will be accepted after that time. The delinquency fee for investment advisers shall be one hundred dollars. The delinquency fee for investment adviser salespersons shall be fifty dollars.))~~

NEW SECTION

WAC 460-24A-057 Renewal of investment adviser and investment adviser representative registration—Delinquency fees. (1) Registration as an investment adviser or investment adviser representative may be renewed by filing the following with IARD:

- (a) Any renewal application required by IARD;
- (b) The renewal fee required by RCW 21.20.340; and
- (c) An electronically submitted Form U-4, unless:

(i) The Form U-4 has been previously submitted to IARD electronically; or

(ii) The investment adviser, filing on behalf of the investment adviser representative, has been granted a hardship exemption under WAC 460-24A-047(4).

(2) For any renewal application received by IARD after the expiration date set forth in WAC 460-24A-055, but on or before March 1 of the following year, the licensee shall pay a delinquency fee in addition to the renewal fee. The delinquency fee for investment advisers shall be one hundred dollars. The delinquency fee for investment adviser representatives shall be fifty dollars.

(3) No renewal applications will be accepted after March 1. An investment adviser or investment adviser representative may apply for reregistration by complying with WAC 460-24A-050.

NEW SECTION

WAC 460-24A-058 Completion of filing. An application for registration or renewal by an investment adviser or investment adviser representative is not considered filed for purposes of RCW 21.20.050 until the required fee and all required submissions have been received by IARD.

AMENDATORY SECTION (Amending Order SDO-128-85, filed 8/1/85)

WAC 460-24A-060 Financial statements required on investment advisers. Every investment adviser shall file with the director a ~~((statement of financial condition in such detail as will disclose generally the nature and amount of assets and liabilities and the net worth of such investment adviser as of a date within ninety days prior to the date on which it is filed. Such reports))~~ balance sheet as of the end of the investment adviser's fiscal year. The balance sheet shall be prepared in accordance with generally accepted accounting principles (GAAP) unless the director, on a case-by-case basis, allows another basis of presentation. The balance sheet

shall be filed annually with the director not more than ninety days after the end of the investment adviser's fiscal year-end (unless extension of time is granted by the director).

NEW SECTION

WAC 460-24A-070 Notice filings for federal covered advisers. (1) Notice filing. The notice filing required of a federal covered adviser pursuant to RCW 21.20.050 shall be filed with IARD on a completed Form ADV. A notice filing of a federal covered adviser shall be deemed filed when the fee required by RCW 21.20.340 and the Form ADV are filed with and accepted by IARD on behalf of the state.

(2) Portions of Form ADV not yet accepted by IARD. Until IARD provides for the filing of Part 2 of Form ADV, Part 2 will be deemed filed if it is provided to the director within five days of the director's request. The federal covered adviser is not required to submit Part 2 of the Form ADV to the director unless requested.

(3) Renewal. The annual renewal of the notice filing for a federal covered adviser shall be filed with IARD. The renewal of the notice filing for a federal covered adviser shall be deemed filed when the fee required by RCW 21.20.340 is filed with and accepted by IARD on behalf of the state.

(4) Updates and amendments. A federal covered adviser must file any amendments to its Form ADV with IARD in accordance with the instructions in the Form ADV.

NEW SECTION

WAC 460-24A-080 Termination of investment adviser and investment adviser representative registration and federal covered adviser notice filing status. (1) Investment advisers and federal covered advisers. An investment adviser or federal covered adviser may terminate its registration or notice filing status by complying with the instructions to Form ADV-W and filing a completed Form ADV-W with IARD.

(2) Investment adviser representative. The termination of registration as an investment adviser representative pursuant to RCW 21.20.080 shall be reported by complying with the instructions to Form U-5 and filing a completed Form U-5 with IARD.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-24A-105 Custody or possession of funds or securities of clients. It shall constitute an "act, practice, or course of business" which operates or would operate as a fraud within the meaning of RCW 21.20.020 for any investment adviser who has custody or possession of any funds or securities in which any client has any beneficial interest to do any act or take any action, directly or indirectly, with respect to any such funds or securities, unless:

(1) All such securities of each such client are segregated, marked to identify the particular client who has the beneficial interest therein, and held in safekeeping in someplace reasonably free from risk of destruction or other loss; and

PROPOSED

(2)(a) All such funds of such clients are deposited in one or more bank accounts which contain only clients' funds,

(b) Such account or accounts are maintained in the name of the investment adviser as agent or trustee for such clients, and

(c) The investment adviser maintains a separate record for each such account which shows the name and address of the bank where such account is maintained, the dates and amounts of deposits in and withdrawals from such account, and the exact amount of each client's beneficial interest in such account; and

(3) Such investment adviser, immediately after accepting custody or possession of such funds or securities from any client, notifies such client in writing of the place and manner in which such funds and securities will be maintained, and thereafter, if and when there is any change in the place or manner in which such funds or securities are being maintained, gives each such client written notice thereof; and

(4) Such investment adviser sends to each client, not less frequently than once every three months, an itemized statement showing the funds and securities in the custody or possession of the investment adviser at the end of such period and all debits, credits and transactions in such client's account during such period; and

(5) All such funds and securities of clients are verified by actual examination at least once during each calendar year by an independent certified public accountant or public accountant at a time which shall be chosen by such accountant without prior notice to the investment adviser. A certificate of such accountant stating that he has made an examination of such funds and securities, and describing the nature and extent of such examination shall be filed with the ((~~adminis-~~trator)) director promptly after each such examination.

AMENDATORY SECTION (Amending WSR 99-03-052, filed 1/15/99, effective 2/15/99)

WAC 460-24A-145 Investment adviser brochure rule. (1) General requirements. Unless otherwise provided in this rule, an investment adviser, registered or required to be registered pursuant to RCW 21.20.040 shall, in accordance with the provisions of this section, ((~~furnish~~)) offer and deliver to each advisory client and prospective advisory client ((~~with a~~) written disclosure ((~~statement which may be a copy of Part II of its Form ADV or written documents~~)) materials containing at least the information then so required by Part II of Form ADV ((~~or~~)) and such other information as the ((~~administrator~~)) director may require. If a federal covered adviser may utilize a copy of Part II of its Form ADV to provide the disclosures required pursuant to 17 CFR 275.204-3, then an investment adviser may use a copy of Part II of its ADV to provide the disclosures required by this section.

(2) Delivery.

(a) An investment adviser, except as provided in ((~~sub-~~paragraph)) (b) of this ((~~paragraph~~)) subsection, shall deliver the ((~~statement~~)) materials required by this section to an advisory client or prospective advisory client (i) not less than 48 hours prior to entering into any investment advisory contract with such client or prospective client, or (ii) at the time of entering into any such contract, if the advisory client has a

right to terminate the contract without penalty within five business days after entering into the contract.

(b) Delivery of the ((~~statement~~)) materials required by ((~~subparagraph~~)) (a) of this subsection need not be made in connection with entering into ((~~an investment company contract or (ii)~~)) a contract for impersonal advisory services.

(3) Offer to deliver.

(a) An investment adviser, except as provided in ((~~subdi-~~vision)) (b) of this subsection, annually shall, without charge, deliver or offer in writing to deliver upon written request to each of its advisory clients the ((~~statement~~)) materials required by this section.

(b) The delivery or offer required by ((~~subparagraph~~)) (a) of this subsection need not be made to advisory clients receiving advisory services solely pursuant to ((~~an invest-~~ment company contract or (ii))) a contract for impersonal advisory services requiring a payment of less than \$200.00.

(c) With respect to an advisory client entering into a contract or receiving advisory services pursuant to a contract for impersonal advisory services which requires a payment of \$200.00 or more, an offer of the type specified in ((~~subpara-~~graph)) (a) of this subsection shall also be made at the time of entering into an advisory contract.

(d) Any ((~~statement~~)) materials requested in writing by an advisory client pursuant to an offer required by this subsection must be mailed or delivered within seven days of the receipt of the request.

(4) Delivery to limited partners. If the investment adviser is the general partner of a limited partnership, the manager of a limited liability company, or the trustee of a trust, then, for purposes of this section, the investment adviser must treat each of the partnership's limited partners, the company's members, or the trust's beneficial owners, as a client. For purposes of this section, a limited liability partnership or limited liability limited partnership is a "limited partnership."

(5) Wrap fee program brochures.

(a) If the investment adviser is a sponsor or a wrap fee program, then the materials required to be delivered, by subsection (2) of this section, to a client or prospective client of the wrap fee program, must contain all information required by Form ADV. Any additional information must be limited to information applicable to wrap fee programs that the investment adviser sponsors.

(b) The investment adviser does not have to offer or deliver wrap fee information if another sponsor of the wrap fee program offers or delivers to the client or prospective client of the wrap fee program wrap fee program information containing all the information the investment adviser's wrap fee program brochure must contain.

(6) Delivery of updates and amendments. When the disclosure materials required to be delivered pursuant to subsection (2) of this section become materially inaccurate, the investment adviser must amend and promptly deliver to its clients amendments to such disclosure materials. The instructions to Part 2 of Form ADV contain updating and delivery instructions that the investment adviser must follow. An amendment will be considered to be delivered promptly if the amendment is delivered within thirty days of the event that requires the filing of the amendment.

(7) Omission of inapplicable information. If an investment adviser renders substantially different types of investment advisory services to different advisory clients, the investment adviser may provide them with different disclosure materials, provided that each client receives all applicable information about services and fees. The disclosure delivered to a client may omit any information required by Part II of Form ADV ((may be omitted from the statement furnished to an advisory client or prospective advisory client)) if such information is applicable only to a type of investment advisory service or fee which is not rendered or charged, or proposed to be rendered or charged, to that client or prospective client.

~~((5))~~ (8) Other disclosure((s)) obligations. Nothing in this ~~((rule))~~ section shall relieve any investment adviser from any obligation ~~((pursuant to any provision of))~~ to disclose any information to its advisory clients or prospective advisory clients not specifically required by this rule under chapter 21.20 RCW ~~((or))~~, the rules and regulations thereunder, or any other federal or state law ~~((to disclose any information to its advisory clients or prospective advisory clients not specifically required by this rule))~~.

~~((6))~~ (9) Definitions. For the purposes of this rule:

(a) "Contract for impersonal advisory services" means any contract relating solely to the provision of investment advisory services (i) by means of written material or oral statements which do not purport to meet the objectives or needs of specific individuals or accounts; (ii) through the issuance of statistical information containing no expression of opinion as to the investment merits of a particular security; or (iii) any combination of the foregoing services.

(b) "Entering into," in reference to an investment advisory contract, does not include an extension or renewal without material change of any such contract which is in effect immediately prior to such extension or renewal.

(c) ~~((("Investment company contract" means a contract with an investment company registered under the Investment Company Act of 1940 which meets the requirements of section 15(c) of that act))~~ "Sponsor" of a wrap fee program means an investment adviser that is compensated under a wrap fee program for sponsoring, organizing, or administering the program, or for selecting, or providing advice to clients regarding the selection of other investment advisers in the program.

(d) "Wrap fee program" means an advisory program under which a specified fee or fees, not based directly upon transactions in a client's account, is charged for investment advisory services (which may include portfolio management or advice concerning the selection of other investment advisers) and the execution of client transactions.

AMENDATORY SECTION (Amending WSR 97-16-050, filed 7/31/97, effective 8/31/97)

WAC 460-24A-170 ((Capital)) Minimum financial requirements for investment advisers. (1) ~~((Any investment adviser who takes any power of attorney from any investment advisory client to execute transactions or has custody of any or [of] his investment advisory clients' securities or funds is subject to the minimum capital requirement and~~

~~the requirement regarding the ratio of net capital to aggregate indebtedness, in accordance with WAC 460-21B-030 of these rules.~~

~~((2) The administrator may, upon written application, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any investment adviser who satisfies the administrator that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular investment adviser to the provisions of this section))~~ An investment adviser registered or required to be registered under RCW 21.20.040, who has custody of client funds or securities, shall maintain at all times a minimum net worth of \$35,000. An investment adviser registered or required to be registered under RCW 21.20.040, who has discretionary authority over client funds or securities, shall maintain at all times a minimum net worth of \$10,000.

(2) An investment adviser registered or required to be registered under RCW 21.20.040 who has custody or discretion of client funds or securities, but does not meet the minimum net worth requirements in subsection (1) of this section shall be bonded in the amount of the net worth deficiency rounded up to the nearest \$5,000. Any bond required by this section shall be in the form determined by the director, issued by a company qualified to do business in this state, and shall be subject to the claim of all clients of the investment adviser regardless of the client's state of residence.

(3) An investment adviser registered or required to be registered under RCW 21.20.040, who accepts prepayment of more than \$500 per client and six or more months in advance, shall maintain at all times a positive net worth.

(4) Unless otherwise exempted, as a condition of the right to transact business in this state, every investment adviser registered or required to be registered under RCW 21.20.040 shall, by the close of business on the next business day, notify the director if the investment adviser's net worth is less than the minimum required. After transmitting such notice, each investment adviser shall file, by the close of business on the next business day, a report with the director of its financial condition, including the following:

(a) A trial balance of all ledger accounts;

(b) A statement of all client funds or securities which are not segregated;

(c) A computation of the aggregate amount of client ledger debit balances; and

(d) A statement as to the number of client accounts.

(5) For purposes of this section, the term "net worth" shall mean an excess of assets over liabilities, as determined by generally accepted accounting principles, but shall not include as assets: Prepaid expenses (except as to items properly classified as assets under generally accepted accounting principles), deferred charges, goodwill, franchise rights, organizational expenses, patents, copyrights, marketing rights, unamortized debt discount and expense, all other assets of intangible nature, home furnishings, automobile(s), and any other personal items not readily marketable in the case of an individual; advances or loans to stockholders and

PROPOSED

officers in the case of a corporation; and advances or loans to partners in the case of a partnership.

(6) For purposes of this section, a person will be deemed to have custody if said person directly or indirectly holds client funds or securities, has any authority to obtain possession of them, or has the ability to appropriate them. An adviser shall not be deemed to have constructive custody of a client's cash or securities, if such possession is for the sole purpose of immediately forwarding such cash or securities to a third party at the request of the client.

(7) The director may require that a current appraisal be submitted in order to establish the worth of any asset.

(8) Every investment adviser that has its principal place of business in a state other than this state shall maintain only such minimum net worth as required by the state in which the investment adviser maintains its principal place of business, provided the investment adviser is licensed in that state and is in compliance with that state's minimum capital requirements.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-24A-200 Books and records to be maintained by investment advisers. (1) Every ~~((licensed))~~ investment adviser registered or required to be registered pursuant to RCW 21.20.040 shall make and keep true, accurate, and current the following books, ledgers, and records ~~((relating to his investment advisory business))~~:

(a) A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.

(b) General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.

(c) A memorandum of each order given by the investment adviser for the purchase or sale of any security, of any instruction received by the investment adviser from a client concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. ~~((Such))~~ The memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment adviser who recommended the transaction to the client and the person who placed ~~((such))~~ the order; and shall show the account for which entered, the date of entry, and the bank or broker-dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of a power of attorney shall be so designated.

(d) All check books, bank statements, ~~((cancelled))~~ canceled checks and cash reconciliations of the investment adviser.

(e) All bills or statements (or copies thereof), paid or unpaid, relating to the business of the investment adviser ~~((as such))~~.

(f) All trial balances, financial statements, and internal audit working papers relating to the investment adviser's business ~~((of such))~~ as an investment adviser. For purposes of this subsection, "financial statements" shall mean a balance sheet prepared in accordance with generally accepted

accounting principles, and income statement, a cash flow statement, and a net worth computation, if applicable, as required by WAC 460-24A-170.

(g) Originals of all written communications received and copies of all written communications sent by ~~((such))~~ the investment adviser relating to (i) any recommendation made or proposed to be made and any advice given or proposed to be given, (ii) any receipt, disbursement or delivery of funds or securities, or (iii) the placing or execution of any order to purchase or sell any security: Provided, however, That the investment adviser shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment adviser: And provided, That if the investment adviser sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment adviser shall not be required to keep a record of the names and addresses of the persons to whom it was sent, except that if such notice, circular or advertisement is distributed to persons named on any list, the investment adviser shall retain with the copy of such notice, circular or advertisement a memorandum describing the list and the source thereof.

(h) A list or other record of all accounts in which the investment adviser is vested with any discretionary power ~~((of attorney))~~ with respect to the funds, securities or transactions of any client.

(i) A copy of all powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment adviser ~~((, or copies thereof))~~.

(j) ~~((A))~~ A written copy of each agreement ~~((s or copies thereof))~~ entered into by the investment adviser with any client ~~((or))~~ and all other written agreements otherwise relating to the investment adviser's business ~~((of such))~~ as an investment adviser ~~((as such))~~.

(k) A file containing a copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication ~~((recommending))~~, including by electronic media, that the investment advisers circulates or distributes, directly or indirectly, to two or more persons (other than persons connected with the investment adviser), and if such communication recommends the purchase or sale of a specific security ~~((, which the investment adviser circulates or distributed, directly or indirectly, to 10 or more persons (other than investment supervisory clients or persons connected with such investment adviser), and if such notice, circular, advertisement, newspaper article, investment letter, bulletin or other communication))~~ and does not state the reasons for ~~((such))~~ the recommendation, a memorandum of the investment adviser indicating the reasons ~~((therefor))~~ for the recommendation.

~~((2))~~ (1)(i) A record of every transaction in a security in which the investment adviser or any ~~((investment adviser salesman))~~ advisory representative (as hereinafter defined) of ~~((such))~~ the investment adviser has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except:

~~((+))~~ (A) Transactions effected in any account over which neither the investment adviser nor any ~~((investment~~

~~adviser-salesman~~) advisory representative of the investment adviser has any direct or indirect influence or control; and
 ((~~ii~~)) (B) Transactions in securities which are direct obligations of the United States.

((~~Such~~)) The record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker-dealer or bank with or through whom the transaction was effected.
 ((~~Such~~)) The record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment adviser or ((investment adviser-salesman)) advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

((ii)) For the purposes of this ((~~clause (2), the term "investment adviser-salesman"~~)) subsection (1), the following definitions will apply:

(A) "Advisory representative" shall mean any partner, officer or director of the investment adviser; any employee who ((~~makes any recommendation, who~~)) participates in any way in the determination of which recommendations shall be made, or whose functions or duties relate to the determination of which recommendation shall be made((;)); any employee who, in connection with his or her duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons ((~~in a control relationship to the investment adviser~~)) who obtain((s)) information concerning securities recommendations being made by ((~~such~~)) the investment adviser ((~~other than a regular client of such investment adviser~~)) prior to the effective dissemination of the recommendations:

(I) Any person in a control relationship to the investment adviser;

(II) Any affiliated person of a controlling person; and

(III) Any affiliated person of an affiliated person.

(B) "Control" shall mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 percent of the voting securities of a company shall be presumed to control such company.

((iii)) An investment adviser ((~~does not violate~~)) shall not be deemed to have violated the provisions of this ((~~clause (2))~~)) subsection (1) because of ((his)) the failure to record securities transactions of any ((investment adviser-salesman)) advisory representative if ((he)) the investment adviser establishes that ((he)) it instituted adequate procedures, and used reasonable diligence to obtain promptly, reports of all transactions required to be recorded.

((~~3~~)) (m)(i) Notwithstanding the provisions of (l) of this subsection, where the investment adviser is primarily engaged in a business or businesses other than advising investment advisory clients, a record must be maintained of every transaction in a security in which the investment adviser or any advisory representative (as hereinafter

defined) of the investment adviser has, or by reason of any transaction acquires, any direct or indirect beneficial ownership, except:

(A) Transactions effected in any account over which neither the investment adviser nor any advisory representative of the investment adviser has any direct or indirect influence or control; and

(B) Transactions in securities which are direct obligations of the United States.

The record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale, or other acquisition or disposition); the price at which it was effected; and the name of the broker-dealer or bank with or through whom the transaction was effected. The record may also contain a statement declaring that the reporting or recording of any transaction shall not be construed as an admission that the investment adviser or advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than ten days after the end of the calendar quarter in which the transaction was effected.

((ii)) An investment adviser is "primarily engaged in a business or businesses other than advising investment advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is lesser, the investment adviser derived, on an unconsolidated basis, more than fifty percent of:

(A) Its total sales and revenues; and

(B) Its income (or loss) before income taxes and extraordinary items,

from such other business or businesses.

((iii)) For purposes of this subsection (1)(m) the following definitions will apply:

(A) "Advisory representative," when used in connection with a company primarily engaged in a business or businesses other than advising investment advisory clients, shall mean any partner, officer, director, or employee of the investment adviser who participates in any way in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons who obtain information concerning securities recommendations being made by the investment adviser prior to the effective dissemination of the recommendations or of the information concerning the recommendations:

(I) Any person in a control relationship to the investment adviser;

(II) Any affiliated person of a controlling person; and

(III) Any affiliated person of an affiliated person.

(B) "Control" shall mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Any person who owns beneficially, either directly or through one or more controlled companies, more than twenty-five percent of the voting securities of a company shall be presumed to control such company.

((iv)) An investment adviser shall not be deemed to have violated the provisions of this subsection (1)(m) because of the failure to record securities transactions of any advisory

representative if the investment adviser establishes that it instituted adequate procedures, and used reasonable diligence to obtain promptly, reports of all transactions required to be recorded.

(n) The following items related to WAC 460-24A-145 and Part II of Form ADV:

(i) A copy of each written statement, and each amendment or revision, given or sent to any client or prospective client of the investment adviser as required by WAC 460-24A-145;

(ii) Any summary of material changes that is required by Part II of Form ADV that is not included in the written statement; and

(iii) A record of the dates that each written statement, each amendment or revision thereto, and each summary of material changes was given or offered to any client or prospective client who subsequently becomes a client.

(o) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser:

(i) Evidence of a written agreement to which the adviser is a party related to the payment of such fee;

(ii) A signed and dated acknowledgment of receipt from the client evidencing the client's receipt of the investment adviser's disclosure statement and a written disclosure statement of the solicitor; and

(iii) A copy of the solicitor's written disclosure statement. The written agreement, acknowledgment, and solicitor disclosure statement will be considered to be in compliance if such documents are in compliance with Rule 275.206(4)-3 of the Investment Advisers Act of 1940.

For purposes of this subsection, the term "solicitor" shall mean any person or entity who, for compensation, acts as an agent of an investment adviser in referring potential clients.

(p) All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including, but not limited to, electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons (other than persons connected with the investment adviser); provided however, that, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this subsection.

(q) A file containing a copy of all written communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any written customer or client complaint.

(r) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(s) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(t) A file containing a copy of each document (other than any notices of general dissemination) that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its advisory representatives as that term is defined in (m)(iii)(A) of this subsection, which file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(u) Copies, with original signatures of the investment adviser's appropriate signatory and the investment adviser representative, of each initial Form U-4 and each amendment to Disclosure Reporting Pages (DRPs U-4) must be retained by the investment adviser (filing on behalf of the investment adviser representative) and must be made available for inspection upon regulatory request.

(2) If ((a-licensed)) an investment adviser subject to subsection (1) of this section has custody or possession of securities or funds of any client, the records required to be made and kept under subsection (1) ((above)) of this section shall include:

(a) A journal or other record((s)) showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for ((such)) all accounts and all other debits and credits to ((such)) the accounts.

(b) A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each ((such)) purchase or sale, and all debits and credits.

(c) Copies of confirmations of all transactions effected by or for the account of any ((such)) client.

(d) A record for each security in which any ((such)) client has a position, which record shall show the name of each ((such)) client having any interest in ((such)) each security, the amount of interest of each ((such)) client, and the location of each ((such)) security.

((4)) (3) Every ((licensed)) investment adviser subject to subsection (1) of this section who renders any investment supervisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment adviser, make and keep true, accurate and current:

(a) Records showing separately for each ((such)) client the securities purchased and sold, and the date, amount and price of each ((such)) purchase or sale.

(b) For each security in which any ((such)) client has a current position, information from which the investment adviser can promptly furnish the name of each ((such)) client, and the current amount of the interest of ((such)) the client.

((5)) (4) Any books or records required by this section may be maintained by the investment adviser in such manner that the identity of any client to whom such investment adviser renders investment supervisory services is indicated by numerical or alphabetical code or some similar designation.

~~((6))~~ (5) Every investment adviser subject to subsection (1) of this section shall preserve the following records in the manner prescribed:

(a) All books and records required to be made under the provisions of subsections (1) to ~~((4))~~ (3)(a), inclusive, of this section except for books and records required to be made pursuant to subsection (1)(k) and (p) of this section shall be maintained and preserved in an easily accessible place for a period of not less than ~~((three))~~ five years from the end of the fiscal year during which the last entry was made on ~~((such))~~ the record, the first two years in ~~((an appropriate))~~ the principal office of the investment adviser.

(b) Partnership articles and any amendments, articles of incorporation, charter documents, minute books and stock certificate books of the investment adviser and of any predecessor, shall be maintained in the principal office of the investment adviser and preserved until at least three years after termination of the enterprise.

~~((7-A licensed))~~ (c) Books and records required to be made pursuant to subsection (1)(k) and (p) of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in the principal office of the investment adviser, from the end of the fiscal year during which the investment adviser last published or otherwise disseminated, directly or indirectly, including by electronic media, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication.

(d) Notwithstanding other record preservation requirements of this section, the following records or copies shall be maintained at the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(i) Records required to be preserved under subsections (1)(c), (g) through (j), (n), (o), and (q) through (s), (2), and (3) of this section shall be maintained for the period prescribed in (a) of this subsection; and

(ii) Records or copies required pursuant to subsection (1)(k) and (p) of this section which records or related records identify the name of the investment adviser representative providing investment advice from that business location, or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number shall be maintained for the period prescribed in (c) of this subsection.

(6) An investment adviser subject to subsection (1) of this section, before ceasing to conduct or discontinuing business as an investment adviser, shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this section for the remainder of the period specified in this section, and shall notify the ~~((administrator))~~ director in writing of the exact address where ~~((such))~~ the books and records will be maintained during ~~((such))~~ the period.

(7)(a) The records required to be maintained and preserved pursuant to this section may be immediately produced or reproduced by photograph on film or, as provided in (b) of this subsection, on magnetic disk, tape, or other computer storage medium, and be maintained and preserved for the required time in that form. If records are produced or repro-

duced by photographic film or computer storage medium, the investment adviser shall:

(i) Arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record;

(ii) Be ready at all times to promptly provide any facsimile enlargement of film or computer printout or copy of the computer storage medium that the director, by its examiners or other representatives, may request;

(iii) Store, separately from the original, one copy of the film or computer storage medium for the time required;

(iv) With respect to records stored on computer storage medium, maintain procedures for maintenance and preservation of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction; and

(v) With respect to records stored on photographic film, at all times have available for the director's examination of its records pursuant to RCW 21.20.100, facilities for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

(b) Pursuant to (a) of this subsection, an investment adviser may maintain and preserve on computer tape, disk, or other computer storage medium records which, in the ordinary course of the adviser's business, are created by the adviser on electronic media or received by the adviser solely on electronic media or by electronic data transmission.

(8) ~~((After a record or other document has been preserved for two years, a photograph on film may be substituted for the balance of the required time.~~

(9)) As used in this section, ~~((the terms "power of attorney" and "discretionary authority" do))~~ "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client; and not include discretion as to the price at which, or the time when, a transaction is or is to be effected, if, before the order is given by the investment adviser, the client has directed or approved the purchase or sale of a definite amount of the particular security.

(9) Any book or other record made, kept, maintained, and preserved in compliance with Rules 17a-3 and 17a-4 under the Securities Exchange Act of 1934, which is substantially the same as the book or other record required to be made, kept, maintained, and preserved under this section, shall be deemed to be made, kept, maintained, and preserved in compliance with this section.

(10) Every investment adviser registered or required to be registered in this state and that has its principal place of business in a state other than this state shall be exempt from the requirements of this section, provided the investment adviser is licensed in the state where it has its principal place of business and is in compliance with that state's recordkeeping requirements.

AMENDATORY SECTION (Amending WSR 90-13-029, filed 6/12/90, effective 7/13/90)

WAC 460-24A-205 Notice of changes by investment advisers and investment adviser representatives. (1) Each licensed investment adviser ~~((shall, upon any change in the~~

PROPOSED

~~information contained in its application for a certificate (other than financial information contained therein))) must:~~

~~(a) Promptly file ((an)) with IARD, in accordance with the instructions to Form ADV, any amendments ((to such application setting forth the changed information (and in any event)) to its Form ADV. An amendment will be considered promptly filed if it is filed within ((30)) thirty days ((after the change occurs):~~

~~(2) With respect to any investment adviser registered under the Investment Advisers Act of 1940, it shall be a sufficient compliance with subsection (1) of this section if a copy of an amendment to Form ADV, of the Securities and Exchange Commission containing the required information, or transmitted for filing to, the administrator not later than the date on which such amendment is required to be filed with the Securities and Exchange Commission:~~

~~(3) Each licensed investment adviser shall notify the administrator of the employment of any new representative in Washington by submitting a completed NASD Form U-4 to the administrator or the administrator's designee, within 10 days after the event occurs.~~

~~(4) Each licensed investment adviser shall notify the administrator of the termination of employment of any representative in Washington, by submitting a complete NASD Form U-5 to the administrator or the administrator's designee, within 30 days after the event occurs.)) of the event that requires the filing of the amendment; and~~

~~(b) File an updated Form ADV with IARD within ninety days of the end of the investment adviser's fiscal year.~~

~~(2) Each investment adviser representative has a continuing obligation to update the information required by Form U-4 as changes occur and must promptly file with IARD any amendments to the representative's Form U-4. An amendment will be considered promptly filed if it is filed within thirty days of the event that requires the filing of the amendment.~~

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-24A-210 Notice of complaint. Each licensed investment adviser who has filed a complaint against any of its partners, officers, directors, agents licensed in Washington or associated persons with any law enforcement agency, any other regulatory agency having jurisdiction over the securities industry, or with any bonding company regarding any loss arising from alleged acts of such person, shall send a copy of such complaint to the ((administrator)) director, within ((10)) ten days following its filing with such other agency or bonding company.

WSR 01-12-091

PROPOSED RULES

HEALTH CARE AUTHORITY

[Order 01-00—Filed June 6, 2001, 8:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-09-084.

Title of Rule: WAC 182-12-200 Retirees may change enrollment in approved PEBB health plans.

Purpose: Amend WAC 182-12-200, to include changes already made to WAC 182-12-132, which added the option for retirees to waive PEBB insurance while enrolled in other employer sponsored health coverage.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Statute Being Implemented: RCW 41.05.160.

Summary: Proposed changes to WAC 182-12-200 will remove current inconsistency with WAC 182-12-132 which allows retirees to waive PEBB medical and dental coverage for themselves and dependents if they are covered under a comprehensive employer sponsored medical plan and reenroll in PEBB coverage within sixty days of loss of other coverage.

Reasons Supporting Proposal: Remove current inconsistency with WAC 182-12-132.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Scott, Health Care Authority, 923-2642; and Enforcement: MaryAnne Lindeblad, Health Care Authority, 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 182-12-200 outlines when a retiree may reenroll them and their eligible dependents in PEBB retiree medical and dental plan. Changes to WAC 182-12-132 adopted in October 2000 created inconsistency with this rule. Proposed language will remove that inconsistency and confusion it may have created for eligible members.

Proposal Changes the Following Existing Rules: Changes the timeframe for application from thirty-one days to sixty days. Removes requirement for other coverage to be PEBB or K-12 school district sponsored.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA, on July 24, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by July 17, 2001, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Barbara Scott, PEBB Program, 676 Woodland Square Loop S.E., Building B, Olympia, WA 98504, fax (360) 923-2602, by July 24, 2001.

Date of Intended Adoption: July 25, 2001.

June 6, 2001

Melodie H. Bankers

Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-21-127, filed 10/21/97, effective 11/21/97)

WAC 182-12-200 Retirees may change enrollment in approved PEBB health plans. A retiree, whose spouse is enrolled as an eligible employee in a PEBB or Washington state school district-sponsored health plan, may defer enrollment in PEBB retiree medical and dental plans and enroll in the spouse's PEBB or school district-sponsored health plan. If a retiree defers enrollment in a PEBB retiree medical plan, enrollment must also be deferred for dental coverage. The retiree and eligible dependents may subsequently enroll in a PEBB retiree medical, or medical and dental, plan(s) if the retiree was continuously enrolled under the spouse's PEBB or school district-sponsored health coverage from the date the retiree was initially eligible for retiree coverage:

- (1) During any open enrollment period determined by the HCA; or
- (2) Within ~~((34))~~ sixty days of the date the spouse ceases to be enrolled in a PEBB or school district-sponsored health plan as an eligible employee; or
- (3) Within ~~((34))~~ sixty days of the date of the retiree's loss of eligibility as a dependent under the spouse's PEBB or school district-sponsored health plan.

WSR 01-12-092

PROPOSED RULES

HEALTH CARE AUTHORITY

[Order 01-01—Filed June 6, 2001, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-09-083.

Title of Rule: WAC 182-12-117 Eligible retirees.

Purpose: Amend WAC 182-12-117 to include Washington school employees retirement system plan 2, plan 3 and Washington public employees retirement system plan 3. Include greater detail that adds clarification to existing eligibility; modify participation by employees retiring under a state of Washington higher education retirement plan.

Statutory Authority for Adoption: Chapter 41.05 RCW.
Statute Being Implemented: RCW 41.05.160.

Summary: Clarify eligibility criteria for participation in PEBB sponsored retiree medical, dental and life coverage; include eligibility for the new Washington school employees retirement system plan 2, plan 3 and the new public employees retirement system plan 3; and fine-tune eligibility criteria for members of higher education retirement plans. Additional edits/rearrangement of text to better clarify language.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Scott, Health Care Authority, 923-2642; and Enforcement: MaryAnne Lindeblad, Health Care Authority, 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Outlines eligibility criteria for participation in PEBB sponsored retiree medical, dental and life coverage.

Proposal Changes the Following Existing Rules: Includes eligibility for the new Washington school employees retirement system plan 2, plan 3 and the new public employees retirement system plan 3 and modifies eligibility criteria for members of higher education retirement plans.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no cost to small businesses.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA, on July 24, 2001, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by July 17, 2001, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Barbara Scott, PEBB Program, 676 Woodland Square Loop S.E., Building B, Olympia, WA 98504, fax (360) 923-2602, by July 24, 2001.

Date of Intended Adoption: July 25, 2001.

June 6, 2001

Melodie H. Bankers
Rules Coordinator

AMENDATORY SECTION (Amending WSR 97-21-127, filed 10/21/97, effective 11/21/97)

WAC 182-12-117 Eligible retirees. (1) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical ~~((;))~~ and dental ~~((and life))~~ coverages provided the person:

(a) Elects Medicare Parts A and B if the retiree, or covered dependents of a retiree, retired after July 1, 1991 and is eligible for Medicare; and

(b) Immediately begins receiving a monthly retirement income benefit from ~~((such))~~ one or more of the following retirement system ~~((;or))~~s:

(i) Law enforcement officers and fire fighters retirement system plan 1 or 2;

(ii) Public employees retirement system plan 1 or 2;

(iii) School employees retirement system plan 2;

(iv) State judges/judicial retirement system;

(v) Teachers retirement system plan 1 or 2; and

(vi) Washington state patrol retirement system; or

(c) Is at least fifty-five with at least ten years service credit and a member of one of the following retirement systems:

(i) Public employees retirement system plan 3;

(ii) School employees retirement system plan 3; and

(iii) Teachers retirement system plan 3.

(d) Is a member of state of Washington higher education retirement plan, and is

(i) at least age fifty-five with at least ten years service; or

(ii) age sixty-two; or

PROPOSED

(iii) immediately begins receiving a monthly retirement income benefit.

~~((e))~~ (e) If not retiring under the public employees retirement system (~~((PERS))~~), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of ~~((PERS))~~ public employees retirement system ((F)) 1 or ~~((PERS))~~ ((H)) 2 for the same period of employment; or

~~((d))~~ (f) Is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system; or

~~((e))~~ (g) Must have taken a lump-sum retirement benefit payment because their monthly benefit would have been under fifty dollars~~((:))~~; and

(h) Submits an application form to enroll or waive PEBB medical and dental coverage within sixty days after active employer or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends.

~~((Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their PEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any PEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. With the exception of the Washington State Patrol, retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.))~~

(2)(a) Eligible employees who participated in Public Employees Benefits Board (PEBB) sponsored life insurance are eligible for PEBB sponsored retiree life insurance if they apply to the health care authority within sixty days of the date their active PEBB life insurance terminates.

(b) Persons retiring who do not have waiver of premium coverage from any PEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage.

~~((2))~~ (3) ~~((Retired and disabled school district and educational service district employees.))~~ The following retired and disabled school district and educational service district employees ~~((persons))~~ are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, ~~((be))~~ are enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

~~((b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance or have taken a lump-sum payment because their benefit would be less than fifty dollars~~

~~under chapter 41.32 or 41.40 RCW. Individuals in teachers' retirement system, TRS III, not receiving a monthly retirement allowance (defined benefit) must be at least age fifty-five with at least ten years of service at the time of separation. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later.))~~

~~((e))~~ (b) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their PEBB active employee coverage ends.

(5) With the exception of the Washington State Patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(6) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

WSR 01-12-095

PROPOSED RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed June 6, 2001, 9:13 a.m.]

Original Notice.

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

Title of Rule: WAC 246-918-005 Definitions, 246-918-007 Application withdrawals, 246-918-050 Physician assistant qualifications effective July 1, 1999, and 246-918-080 Physician assistant—Licensure.

Purpose: These rules detail the qualification required by statute for obtaining a license to practice as a physician assistant.

Statutory Authority for Adoption: RCW 18.71A.020.

Statute Being Implemented: Chapter 18.71A RCW.

Summary: During the 1999 legislative session (chapter 127, Laws of 1999) the legislature determined the requirements for physician assistant licensure should be consistent with the national standard. This proposal updates the rules to reflect the statutory changes. This proposal also will be for general housekeeping for clear and concise language.

Reasons Supporting Proposal: The proposed rules will move the physician assistants to the federal standard which will make it easier to move state to state.

PROPOSED

Name of Agency Personnel Responsible for Drafting and Implementation: Beverly A. Teeter, Health Administrator, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4788; and Enforcement: Maryella Jansen, Acting Executive Director, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4789.

Name of Proponent: Medical Quality Assurance Commission and Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules implement statutory changes that revised the qualifications for licensure as a physician assistant in order to be consistent with national standards. The changes to rules update language to correspond with the statutory change, as well as outlining the process for issuance of an interim permit and general housekeeping for clear and concise language.

Proposal Changes the Following Existing Rules: The changes update the rules language in accordance with the statute changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed language is exempt under RCW 19.85.025(3) and 34.05.310(4) because the rule implements recent statutory changes on qualifications and updates language to correspond with accrediting programs.

RCW 34.05.328 does not apply to this rule adoption. These are procedural rules relating to revising language to conform to statutory changes and to the process for making application for an interim permit.

Hearing Location: Phoenix Inn, 415 Capitol Way North, Olympia Room, Olympia, WA 98501, on July 11, 2001, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Beverly A. Teeter by June 30, 2001, TDD (800) 833-6388, or (360) 236-4788.

Submit Written Comments to: Beverly A. Teeter, fax (360) 586-4573, by July 6, 2001.

Date of Intended Adoption: July 11, 2001.

May 25, 2001

Maryella E. Jansen
Acting Executive Director

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-005 Definitions. The following terms used in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) "Certified physician assistant" means an individual who has successfully completed an (~~(American Medical Association)~~) accredited and commission approved physician assistant program and has passed the initial national boards examination administered by the National Commission on Certification of Physician Assistants (NCCPA).

(2) "Physician assistant" means an individual who (~~has~~) either:

(a) Successfully completed an (~~(American Medical Association)~~) accredited and commission approved physician

assistant program (~~(and)~~), is eligible for the NCCPA examination and was licensed in Washington state prior to July 1, 1999;

(b) Qualified based on work experience and education and was licensed prior to July 1, 1989; (~~(or)~~)

(c) Graduated from an international medical school and was licensed prior to July 1, 1989; or

(d) Holds an interim permit issued pursuant to RCW 18.71A.020(1).

(3) "Physician assistant-surgical assistant" means an individual who was licensed as a physician assistant between September 30, 1989, and December 31, 1989, to function in a limited extent as authorized in WAC 246-918-230.

(4) "Licensee" means an individual (~~(licensed)~~) credentialed as a certified physician assistant, physician assistant, or physician assistant-surgical assistant.

(5) "Commission approved program" means a physician assistant program (~~(that maintains Committee on Allied Health Education and Accreditation standards as defined in the "essentials" of the council of medical education of the American Medical Association)~~) accredited by the Committee on Allied Health Education and Accreditation (CAHEA); the Commission on Accreditation of Allied Health Education Programs (CAAHEP); the Accreditation Review Committee on Education for the Physician Assistant (ARC-PA); or any successive accrediting organizations.

(6) "Sponsoring physician" means the physician who is responsible for consulting with a certified physician assistant. An appropriate degree of supervision is involved.

(7) "Supervising physician" means the physician who is responsible for closely supervising, consulting, and reviewing the work of a physician assistant.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-007 Application withdrawals. An application for a license or interim permit may not be withdrawn (~~(after the commission or the reviewing commission member determines that grounds for denial of the license or the issuance of a conditional license may be appropriate. Applications which are subject to investigation for unprofessional conduct or impaired practice may not be withdrawn)~~) if grounds for denial exist.

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-918-050 Physician assistant qualifications effective (~~(January 1, 1990)~~) July 1, 1999. Individuals applying to the commission under chapter 18.71A RCW after (~~(December 31, 1989, shall be required to)~~) July 1, 1999, must have graduated from (~~(a commission approved)~~) an accredited physician assistant program approved by the commission and be certified by successful completion of the NCCPA examination (~~(eligible)~~): EXCEPT those applying for an interim permit under RCW 18.71A.020(1) who will have one year from issuance of the interim permit to successfully complete the examination.

PROPOSED

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-918-080 Physician assistant—Licensure.

(1) Application procedure. Applications may be made jointly by the physician and the physician assistant on forms supplied by the commission. Applications and supporting documents must be on file in the commission office prior to consideration for ~~((licensure))~~ a license or interim permit.

(2) No physician assistant or physician assistant-surgical assistant shall begin practice without commission approval of the practice plan of that working relationship. Practice plans must be submitted on forms provided by the commission.

(3) Changes or additions in supervision. In the event that a physician assistant or physician assistant-surgical assistant who is currently ~~((licensed))~~ credentialed desires to become associated with another physician, he or she must submit a new practice plan. See WAC 246-918-110 regarding termination of working relationship.

WSR 01-12-096

PROPOSED RULES

DEPARTMENT OF HEALTH

(Medical Quality Assurance Commission)

[Filed June 6, 2001, 9:15 a.m.]

Original Notice.

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

Title of Rule: WAC 246-919-340 International medical school graduates.

Purpose: This rule outlines additional requirements for applicants who have graduated from a medical school outside of the United States or Canada.

Other Identifying Information: This rule was a result of a rule review completed by staff as a result of Executive Order 97-02.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71.050.

Statute Being Implemented: Chapter 18.71 RCW.

Summary: The proposal will simplify and improve existing language by eliminating unnecessary words and legalese. The proposed language does not add new requirements for licensure.

Reasons Supporting Proposal: This rule needs to be amended to clearly outline the requirements for international graduates. Improving the clarity of the rule will reduce the staff time required to respond to applicant inquiries.

Name of Agency Personnel Responsible for Drafting and Implementation: Beverly A. Teeter, Health Administrator, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4788; and Enforcement: Maryella Jansen, Acting Executive Director, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4789.

Name of Proponent: Medical Quality Assurance Commission and 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 proposal is in response to the many calls the staff receives from international graduates who ask what the existing rules mean. The proposed amendment is to clarify the additional requirements for international graduates to be licensed in the state of Washington. The anticipated effects will be to reduce the many calls for explanation from international graduates.

Proposal Changes the Following Existing Rules: Existing rules pertaining to international graduates additional requirements were written with too much legalese and extremely confusing for those international graduates. This will be a clear and concise rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed language is exempt under RCW 19.85.025(3) and 34.05.310(4) because the change is merely clarification and does not make new requirements.

RCW 34.05.328 does not apply to this rule adoption. This rule does not change requirements for licensure, just rewritten to be clear and concise.

Hearing Location: Phoenix Inn, 415 Capitol Way North, Olympia Room, Olympia, WA 98501, on July 11, 2001, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Beverly A. Teeter by June 30, 2001, TDD (800) 833-6388, or (360) 236-4788.

Submit Written Comments to: Beverly A. Teeter, fax (360) 586-4573, by July 6, 2001.

Date of Intended Adoption: July 11, 2001.

May 22, 2001

M. C. Selecky

Secretary

Maryella E. Jansen

Acting Executive Director

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-340 Additional requirements for international medical school graduates. All graduates of medical schools outside the United States, Canada, or Puerto Rico must have either:

(1) ~~((Except in unusual circumstances, which shall be considered individually by the commission, all graduates of international medical schools who were not))~~ Been licensed in another state prior to 1958 ~~((must have obtained the certificate granted by the Educational Commission for Foreign Medical Graduates (ECFMG) or must qualify for exemption as provided for in other sections of these rules and regulations.));~~

(2) ~~((A United States citizen or resident alien who has obtained his medical education in a medical school outside the United States, Canada, or Puerto Rico shall be eligible for licensure in the state of Washington if he or she has satisfied the following requirements:~~

~~((a) Has completed all of the formal academic requirements for graduation from a medical school outside the United States, provided that such medical school provides a~~

PROPOSED

WSR 01-12-097
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed June 6, 2001, 9:16 a.m.]

resident course of professional instruction equivalent to that required under RCW 18.71.055 for approval of United States and Canadian schools. An internship and/or social service in an international country shall not be considered to be a part of the formal academic requirements;

~~(b) Has successfully completed one academic year of supervised clinical training in a program approved by the commission. Approval of such program shall be based on the following requirements:~~

~~(i) The program shall be sponsored by a United States medical school approved by the commission;~~

~~(ii) The school must provide supervision equivalent to that given undergraduate medical students;~~

~~(iii) Admission to such a program shall be contingent upon review of the applicant's academic achievement, completion of the formal academic curriculum of the international medical school, and the attainment of a score satisfactory to the medical school in a qualifying examination acceptable to the commission such as Part 1 of the National Board examination, or day 1 of FLEX examination, or the ECFMG examination;~~

~~(iv) The program must include experience in each of the major clinical disciplines;~~

~~(e) Has completed the postgraduate clinical hospital training required by the commission of all applicants for licensure; and~~

~~(d) Has passed the examination required by the commission of all applicants for licensure.~~

~~(3) Satisfaction of the requirements of subsection (2) of this section shall substitute for the completion of any international internship and/or social service required by the international medical school or government as a condition to the awarding of a medical degree or licensure, and no such requirements shall be a condition of licensure as a physician in this state.~~

~~(4) Certification by the ECFMG shall not be a condition of licensure as a physician in this state for candidates who have successfully completed the requirements of subsection (2) of this section.~~

~~(5) All persons issued a license to practice medicine and surgery by the medical quality assurance commission shall possess all the rights and privileges thereof, including the use of the title "doctor of medicine" and the initials "M.D."~~

~~(6) Graduates of international medical schools who do not qualify for licensure under these rules and regulations will be required to meet the rules previously adopted by the commission)) Obtained a certificate with an indefinite status granted by the Educational Commission for Foreign Medical Graduates (ECFMG); or~~

(3) Successfully completed one year of supervised academic clinical training in the United States, commonly referred to as a Fifth Pathway program.

Original Notice.

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

Title of Rule: WAC 246-08-400 Allowable fees for searching and duplicating medical records.

Purpose: The proposed changes adjust the fee that medical providers may charge for searching and duplicating medical records.

Other Identifying Information: The adjustment is based on the change in the consumer price index based on all consumers for the Seattle/Tacoma area for fiscal years 1998 and 1999.

Statutory Authority for Adoption: RCW 70.02.010(12) and 43.70.040.

Statute Being Implemented: RCW 70.02.101(12).

Summary: The fees that providers can charge for searching and duplicating medical records cannot exceed .83 [eighty-three] cents per page for the first thirty pages and .63 [sixty-three] cents per page for all others. The clerical fee may not exceed nineteen dollars.

Reasons Supporting Proposal: The proposed rule allows providers to recoup the inflationary costs of providing this service. This adjustment is mandated to occur biennially, and the last update was July 1999.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Yvette Lenz, 1112 S.E. Quince Street, Olympia, WA 98504, (360) 236-4606.

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 rule increases the fees that medical providers may charge for searching and duplicating medical records. The fees are not to exceed .83 [eighty-three] cents per page for the first thirty pages, .63 [sixty-three] cents per page for all other pages, and clerical fees may not exceed nineteen dollars. The increase is designed to assist providers in recouping the cost for maintaining, searching, and duplicating medical records.

Proposal Changes the Following Existing Rules: [NISBA].

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is exempt under RCW 34.05.310(4), and therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption. This rule is not a legislatively significant rule. It does not subject individuals to penalties or sanctions, does not establish, alter or revoke a qualification or standard for licensure, and does not make significant amendment to a policy or regulatory program.

Hearing Location: Washington State Department of Health, 1101 Eastside Street, Olympia, WA 98504, on July 10, 2001, at 10:30 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Yvette Lenz by July 1, 2001, TDD (800) 833-6388.

Submit Written Comments to: Yvette Lenz, fax (360) 236-4626, by July 10, 2001.

Date of Intended Adoption: July 11, 2001.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 99-13-083, filed 6/14/99, effective 7/15/99)

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

- (1) Copying charge per page:
 - (a) No more than ~~((seventy-nine))~~ eighty-three cents per page for the first thirty pages;
 - (b) No more than ~~((sixty))~~ sixty-three cents per page for all other pages.
- (2) Additional charges:
 - (a) The provider can charge ~~((an eighteen))~~ a nineteen dollar clerical fee for searching and handling records;
 - (b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.
- (3) This section is effective July 1, ~~((1999))~~ 2001, through June 30, ~~((2001))~~ 2003.

PROPOSED

WSR 01-12-098
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)
 [Filed June 6, 2001, 9:18 a.m.]

Original Notice.

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

Title of Rule: WAC 246-919-330 Postgraduate medical training defined.

Purpose: This rule will change the name of the accrediting organization for the Canadian postgraduate program to meet one of the licensure requirement options for the state of Washington.

Other Identifying Information: WAC 246-919-330.

Statutory Authority for Adoption: RCW 18.71.017 and 18.71.050.

Statute Being Implemented: Chapter 18.71 RCW.

Summary: The accrediting organization for Canadian postgraduate medical training has changed to the Royal College of Physicians and Surgeons of Canada (RCPSC) and the College of Family Physicians of Canada (CFPC). The rule needs to be amended to reflect this change.

Reasons Supporting Proposal: The reason to amend the language of the existing rule is to ensure we properly identify the Canadian accrediting organization.

Name of Agency Personnel Responsible for Drafting and Implementation: Beverly A. Teeter, Health Administrator, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4788; and Enforcement: Maryella Jansen, Acting Executive Director, 1300 S.E. Quince Street, Olympia, WA, (360) 236-4789.

Name of Proponent: Medical Quality Assurance Commission and 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 has been developed in response to the change in the Canadian accrediting organization. This will allow Washington state to appropriately license individuals who have attended the recognized accredited postgraduate training programs of Canada.

Proposal Changes the Following Existing Rules: Existing rules pertaining to postgraduate training do not reflect the current accrediting programs of Canada.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed language is exempt under RCW 19.85.025(3) and 34.05.310(4) because the rules are merely updating accreditation names and do not change requirements.

RCW 34.05.328 does not apply to this rule adoption. This rule does not change requirements for licensure, just the name of the accrediting programs for postgraduate training programs in Canada.

Hearing Location: Phoenix Inn, 415 Capitol Way North, Olympia Room, Olympia, WA 98501, on July 11, 2001, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Beverly A. Teeter by June 30, 2001, TDD (800) 833-6388, or (360) 236-4788.

Submit Written Comments to: Beverly A. Teeter, fax (360) 586-4573, by July 6, 2001.

Date of Intended Adoption: July 11, 2001.

May 22, 2001

Maryella E. Jansen

Acting Executive Director

AMENDATORY SECTION (Amending WSR 96-03-073, filed 1/17/96, effective 2/17/96)

WAC 246-919-330 Postgraduate medical training defined. (1) For the purposes of this chapter, postgraduate medical training ~~((shall be considered to))~~ means clinical training approved by the commission in general medicine or surgery, or a recognized specialty or subspecialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71.055. Only satisfactory clinical performance ~~((deemed unsatisfactory by the program performance))~~ evaluations will ~~((not))~~ be accepted. This definition ~~((shall be considered to))~~ includes, but is not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The commission approves only the following postgraduate clinical training courses:

(a) Programs accredited by the (~~American Medical Association~~) Accreditation Council for Graduate Medical Education (ACGME) which are listed in the 1984-85 directory of residency programs, or programs approved by the (~~American Medical Association~~) Accreditation Council at the time of residency.

(b) (~~Preregistration training~~) Programs (~~approved as of July 1, 1982;~~) accredited by the (~~Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs~~) Royal College of Physicians and Surgeons of Canada (RCPC) or the College of Family Physicians of Canada (CFPC), or programs (~~approved~~) accredited by the (~~Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs~~) RCPC or CFPC at the time of residency.

WSR 01-12-100

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed June 6, 2001, 10:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-23-047.

Title of Rule: Organic producer and transitional producer certification.

Purpose: Chapter 16-156 WAC are the rules for the certification of organic farmers. The rules provide the application, inspection, sampling, fee schedule and certification criteria for obtaining organic and transition to organic certification.

Statutory Authority for Adoption: Chapter 15.86 RCW.
Statute Being Implemented: Chapter 15.86 RCW.

Summary: The Department of Agriculture is proposing to require that prior to obtaining organic certification producers will need to be certified as transition to organic producers. The department is proposing new fees for new sites and export certificates to recover the cost of administering the organic certification program.

Reasons Supporting Proposal: The Department of Agriculture has developed the proposal in coordination with the state's Organic Advisory Board. The proposed changes are needed to improve the integrity of the organic certification process.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Organic producer and transitional producer certification, chapter 16-156 WAC, provides the certification procedures and requirements for producers of organic food products. The standards specify application, inspection, sampling, certification and decertification procedures as well as the requirements for recordkeeping and use of the Washing-

ton State Department of Agriculture (WSDA) organic food producer logo. The rule includes the fee structure for fees charged to applicants for the application and certification services.

The purpose for the proposed amendments to organic producer and transitional producer certification, chapter 16-156 WAC, is to require producers to obtain certification during the transitional time period when their farm is being converted to organic crop production. These changes will improve the integrity and validity of the organic certification process by requiring inspection and sampling during the transitional years. The rules also modify the fee schedule for new sites, transition to organic certification, and export certificates.

Proposal Changes the Following Existing Rules: **Introduction:** The organic producer and transitional producer certification, chapter 16-156 WAC, are designed to protect the integrity of organic food products. The rules include the organic certification requirements for producers of organic and transition to organic food products. The requirements include the sampling and inspection requirements; certification and decertification criteria; record-keeping requirements; application criteria and procedures; and fees for certification.

The WSDA Organic Advisory Board has been working with organic food program staff to develop the proposed amendments. The amendments are being proposed to increase the integrity of the organic certification process.

Notes on Amendments:

WAC 16-156-004 Definition, adds definitions of crop and pasture.

WAC 16-156-030 Certification, this section is amended to improve the verification criteria for obtaining organic certification. New certification criteria include requiring the completion of the organic farm plan and verification that the plan has been implemented. The section is amended to clarify the process for issuing organic certification to a producer for a site in organic food production.

The amendments require certification during the transition from conventional farming to organic farming. In 2002, in order for a site to be granted organic certification; it would need to be previously certified as organic; certified in the past year as second year transition; documented to not have been in farm production in the previous year; or verified that the producer was exempt from certification under the small farm exemption criteria (direct sales under \$5,000 per year).

In 2003, in order for a site to be granted second year transitional certification, it would need to be previously certified as first year transitional, or documented to not have been in farm production in the previous year.

WAC 16-156-035 Decertification, this section is amended to specify that failure to allow inspection to take place is a condition for revoking organic certification.

WAC 16-156-050 Application for certification, this section is amended to clarify that producers must be certified unless they sell direct to consumers less than \$5,000 in agricultural products. It also specifies that applications must be received at least sixty days prior to the harvest of organic

PROPOSED

food products. It also specifies March 31 as the expiration date for organic food producer certificates.

WAC 16-156-060 Fee schedule, the fee schedule is amended to base organic certification fees solely on the sales of organic food products. Certification of transitional sites is proposed to be based on a per acre fee of five dollars per acre. The fee schedule is also amended to require a fifty dollar fee for adding an additional site to a certificate.

WAC 16-156-070 Export and transaction certificates, this is a new section that would charge a thirty dollar fee for each export and transaction certificate that is issued by the agency. Export and transaction certificates are issued to verify that a specific shipment of organic food products complies with organic standards. This new section would allow the agency to recover the cost of providing this service.

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

Small Business Economic Impact Statement

Introduction: Organic producer and transitional producer certification, chapter 16-156 WAC, provides the certification procedures and requirements for producers of organic and transitional food products. The standards specify application, inspection, sampling, certification and decertification procedures as well as the requirements for recordkeeping and use of the WSDA organic food producer logo. The rule includes the fee structure for fees charged to applicants for the application and certification services.

Purpose for the Rule Amendment: The purpose for the proposed amendments to organic producer and transitional producer certification, chapter 16-156 WAC, is to require producers to obtain certification during the transitional time period when their farm is being converted to organic crop production. These changes will improve the integrity and validity of the organic certification process by requiring inspection and sampling during the transitional years. The rules also modify the fee schedule for new sites, transitional certification, and export certificates.

Businesses Affected by the Rule Amendment: Organic producer and transitional producer certification, chapter 16-156 WAC, affects all individuals and businesses that produce or are planning on producing organic food in Washington state. Producers are defined as any person or organization who or which grows, raises or produces an agricultural product. Last year, the department certified 518 producers of organic food. All organic producers are small businesses with less than fifty full-time, year round employees.

Reporting Requirements: No new reporting requirements are being proposed.

Record-keeping Requirements: No new record-keeping requirements for organic and transitional producers are being proposed.

Compliance Requirements: There will be no additional costs for transitional producers currently certified. The proposed changes will impose additional compliance costs to those transitional producers that are not certified. The additional costs will include direct certification costs and administrative costs for the time it takes to complete application forms and to be inspected by a state inspector.

Cost of Compliance: Requiring Transition to Organic Certification: Under the current organic certification rules, producers must not apply any prohibited substances for at least three years prior to the harvest of organic food. In order to verify that the organic crop production standards have been followed the department conducts inspection of organic producers and producers that are in transition to organic food production. Under the organic food products statute, chapter 15.86 RCW, organic producers are required to obtain certification prior to selling organic food products. Transitional producers are not required to obtain certification during the three years that they are converting their farm to organic food production.

The majority of producers choose to obtain certification during the transitional time period in order to ensure that they are meeting the requirements for certification. Some producers do not obtain certification during this transitional time period and maintain records that document that they have complied with the organic standards. Requiring certification during the transitional period will affect only the producers that choose not to obtain certification during the transitional period.

Additional New Site Fee: The proposed amendments include a new fee for adding new sites to the organic certification program. Sites are defined as a defined field, orchard, block, pasture, paddock, garden, circle, plot or other designated area. Many organic producers have more than one site in the organic certification program. The organic certification process requires that each site is inspected on an annual basis. In order to add an additional site to their certification, producers must submit a site information form and maps for the new site. The department conducts a separate inspection and review of the new site. The department is proposing to recover some of the additional costs involved in inspecting and certifying additional sites through the additional new site fee. The fee for adding additional sites is a one time fee of \$50 per site.

Changes to the Assessment of Fees for Transitional Certification: Under the current fee schedule producers pay fees based on the value of crops grown on acres certified under the program. For many producers it has been difficult to determine the value of transitional crops. We are proposing that the certification fees for transitional certification be based on the acres certified rather than the value of the crop. The fees for transitional certification under the proposed new schedule will be comparable to the old fee schedule and will make calculation of the appropriate fee easier to determine for most producers.

Export and Transaction Certificate Fee: Over the last few years the number of export and transaction certificates issued by the organic food program has increased dramatically. In order to recover the costs involved in preparing and issuing these export and transaction certificates the agency is proposing to charge a thirty dollar fee to process each certificate.

Professional Services: The reporting, record-keeping and compliance requirements would not necessitate the need for professional services. No professional service expenses

would be incurred by the small businesses affected by the amendments to chapter 16-156 WAC.

Industries Impacted by the Rule Amendment: All producers of organic and transitional food products in Washington state within the following SIC codes are impacted by chapter 16-156 WAC: 019 general farms, primarily crop; 0241 dairy farms; 029 general farms, primarily livestock and animal specialties; 201 meat products; 202 dairy products; 203 canned, frozen, preserved fruits, vegetables and food specialties; 205 bakery products; 515 farm product—raw materials; 542 meat and fish (seafood) markets; and 545 dairy product stores. All producers of organic food in Washington state are impacted by chapter 16-156 WAC. All organic producers are small businesses with less than fifty full-time, year round employees.

Impact On Small Businesses: The proposed amendments to chapter 16-156 WAC would not impose a disproportionate economic impact on small businesses because all producers of organic and transitional food in Washington state are considered small businesses (less than fifty full-time, year-round employees). The proposed amendments to organic producer and transitional producer certification, chapter 16-156 WAC, would not impose a disproportionate economic impact on small businesses because all producers of organic food are required to submit application fees based on their gross organic sales and pay additional fees for adding new sites to their certification. All producers of transitional food would pay fees based on the acres that they enrolled into the program. No new record-keeping requirements would be imposed.

Producers converting their farms to organic food production will be required to obtain certification during the transitional time period. Many producers already choose to obtain certification during this transitional time period.

Mitigation: The organic food program provides information and technical assistance for complying with the organic and transitional certification standards. Information and technical assistance is available through the telephone, United States mail, e-mail, and the organic food program's web page.

Industry Outreach: The WSDA has worked with the Organic Advisory Board (OAB) on the proposed amendments to chapter 16-156 WAC. The OAB is comprised of organic industry members including farmers, packers, processors, consumers and farm input suppliers. The proposed amendments are being sent to all organic producers, processors and handlers. The proposal will include a comment form in order to facilitate the affected industry's ability to comment on the proposal.

A copy of the statement may be obtained by writing to Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1924, fax (360) 902-2087.

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: Natural Resources Building, Room 259, 1111 Washington Street, Olympia, WA 98504-2560, on July 11, 2001, at 11 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by July 5, 2001, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, Organic Food Program, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2087, by 5 p.m., July 11, 2001.

Date of Intended Adoption: July 20, 2001.

June 5, 2001

John Daly

Assistant Director

Chapter 16-156 WAC

ORGANIC PRODUCER AND (~~TRANSITION TO ORGANIC~~) TRANSITIONAL PRODUCER CERTIFICATION

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-004 Definitions. As used in this chapter:

(1) "Crop" means a plant or part of a plant intended to be marketed as an agricultural product or fed to livestock.

(2) "Department" means the department of agriculture of the state of Washington.

~~((2))~~ (3) "Director" means the director of the department of agriculture or his or her duly authorized representative.

~~((3))~~ (4) "Drift" is defined as the movement of prohibited substances by air, water or soil from the intended target and results in residues of prohibited substances on organic or transition to organic food in excess of five percent of the EPA tolerance level.

~~((4))~~ (5) "Gross sales" means the sales of organic (~~and transition to organic~~) food sold during the calendar year.

~~((5))~~ (6) "Labeling" means all written, printed, or graphic matter upon any article or any of its containers or wrappers, or accompanying such article, or used in the advertisement of such article.

~~((6))~~ (7) "New applicant" means any person or organization who or which applies for organic or (~~transition to organic~~) transitional certification for the first time, or when previous certification status has expired for at least one year.

~~((7))~~ (8) "Organic food" means any agricultural product, including meat, dairy, and beverage, that:

(a) Is marketed using the term organic or any derivative of organic in its labeling or advertising; and

(b) That has had no applications of prohibited substances within three years prior to the harvest of the crop; and

(c) That is produced in compliance with standards defined in chapter 15.86 RCW and rules adopted thereunder.

~~((8))~~ (9) "Pasture" means ground covered with vegetation that is used by animals for grazing purposes.

(10) "Producer" means any person or organization who or which grows, raises or produces an agricultural product.

~~((9))~~ (11) "Prohibited substance" means a material which is disallowed in organic food production, handling, or processing.

PROPOSED

~~((10))~~ (12) "Renewal applicant" means any person or organization who or which has applied for organic or ~~((transition to organic))~~ transitional certification in the previous year.

~~((11))~~ (13) "Site" means a ~~((defined))~~ designated farm field, orchard, block, pasture, paddock, garden, circle, plot or other ~~((designed area))~~ contiguous area under the same management (e.g., organic or transitional). A site may contain multiple crops.

~~((12))~~ ~~"Transition to organic")~~ (14) "Transitional food" means any agricultural product that:

(a) Is marketed using the term ~~((transition to organic or))~~ transitional in its labeling and advertising; and

(b) Satisfies all of the requirements of organic food except that it has had no applications of prohibited substances within one year prior to the harvest of the crop.

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-030 Certification. (1) ~~((Washington state department of agriculture certification means that:))~~ The conditions for obtaining organic and transitional food producer certification are as follows:

(a) Inspection of the producer by the department of agriculture showed no use of prohibited practices as defined in chapter 15.86 RCW or unless adopted thereunder; and

(b) Recordkeeping practices meet the requirements specified in WAC 16-156-040 or rules adopted under chapter 15.86 RCW; and

(c) Soil building programs, organic pest control programs, and buffer zones required under chapter 16-154 WAC were established on each site; and

(d) Completion of the organic farm plan and verification that it has been implemented; and

(e) Analysis of samples taken by the department of agriculture showed no prohibited substance usage or drift from other contaminants; and

~~((e))~~ (f) No application of prohibited substances, as defined in chapter 16-154 WAC, have been used for:

- At least three years prior to the harvest of organic food; or
- At least one year prior to the harvest of ~~((transition to organic))~~ transitional food.

(2) For each site, the director must review the application, inspection report and results of any samples collected to determine that the producer has complied with the conditions for certification on that site.

(3) For each site, a certificate will be issued when the director determines that the producer has complied with the conditions for organic or transitional food producer certification on that site.

(4) Beginning in the year 2002, prior to the issuance of an organic food producer certificate:

(a) The site must have been previously certified as organic; or

(b) The site must have been certified as second year transitional in the previous year; or

(c) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous two years.

(5) Beginning in the year 2003, prior to the issuance of a second year transitional food producer certificate:

(a) The site must have been certified as first year transitional in the previous year; or

(b) The producer has documentation that verifies that the site was in pasture or not being farmed during the previous year.

(6) Producers of organic food who ~~((apply))~~ are certified under this program will be able to use the words, "produced in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with chapter 15.86 RCW or any rules adopted thereunder.

Food produced under this organic food certification program may be identified by the use of one of the attached logos (WAC 16-156-060, Illus. 1~~((,-1A))~~). These logos shall only be used for food produced by producers who have been certified organic by the Washington state department of agriculture ~~((organic food certification program))~~.

~~((3))~~ (7) Producers of ~~((transition to organic))~~ transitional food who ~~((apply))~~ are certified under this program will be able to use the words "produced in accordance with the Washington department of agriculture ~~((transition to organic))~~ transitional food certification program" in their labeling as long as their practices comply with this chapter and chapter 15.86 RCW and rules adopted thereunder.

Food produced under this ~~((transition to organic))~~ transitional food certification program may be identified by use of one of the attached logos (WAC 16-156-060, Illus. 2~~((,-2A))~~). These logos shall only be used for ~~((transition to organic))~~ transitional food produced by producers who have been certified transitional by the Washington state department of agriculture ~~((s organic food certification program))~~.

~~((4))~~ (8) In no event shall food be sold as Washington certified organic or Washington certified ~~((transition to organic))~~ transitional prior to the issuing of an organic or ~~((transition to organic))~~ transitional food producer certificate by the department of agriculture for that crop year. First year applicants and new sites shall be inspected by the department before an organic or ~~((transition to organic))~~ transitional food producer certificate is issued.

~~((5))~~ (9) The logos to identify organic food and ~~((transition to organic))~~ transitional food shall not be changed except for increases or decreases in size, as appropriate.

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-035 Decertification. Whenever the director finds that a producer who has been certified under this program has:

(1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;

(2) Filed an application for certification which is false or misleading in any particular;

(3) Violated any of the provisions of this chapter; ~~((or))~~

(4) Failed to provide records as required by this chapter, WAC 16-154-060 or 16-162-100; or

(5) Failed to allow inspection to take place.

The director may issue an order revoking that producer's certification under this program or he may issue an order directing the producer to take other appropriate action to correct the violation. If appropriate action is taken, the producer will be returned to its previous status under the program.

Any producer who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 6011, filed 12/20/96, effective 1/20/97)

WAC 16-156-050 Application for certification. ~~((Producers who wish to apply for the organic food certification program must apply to the department by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. This application must include a sworn statement that they fully comply with the statute and rules for production of organic food and/or transition to organic food. Organic food producer and transition to organic food producer certificates shall expire on March 31st of the year following their issuance.~~

~~Applications made after the set deadline may be processed as the department can schedule the initial inspections. Except for producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers, all producers of organic or transition to organic food must be certified by the department.)~~ (1) All producers of organic food products must be certified by the department or through a recognized organic certification agency, except for producers that sell less than five thousand dollars annually in value of agricultural products directly to consumers.

(2) Applications to the department for organic food certification must be made on an annual basis at least sixty days prior to the harvest of organic food products. The application, accompanied by the appropriate fee, must be submitted to the department on forms furnished by the department.

(3) Organic food producer and transitional food producer certificates shall expire on March 31st of the year following their issuance.

AMENDATORY SECTION (Amending WSR 97-24-006, filed 11/21/97, effective 12/22/97)

WAC 16-156-060 Fee schedule. (1) The cost per application shall be based on the following fee schedule.

~~((For))~~ Renewal applicants -

Application fees shall be based on the previous calendar year's gross sales of organic ~~((and transition to organic))~~ food. In the event that the current calendar year's gross sales exceed the previous year's gross sales, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the previous year's gross sales, the producer may request a refund for the reduced fee. In addition, renewal applications postmarked

after March 1, shall pay a late fee of fifty dollars. Renewal applicants that are adding additional sites to their organic certification must pay a new site fee of fifty dollars for each additional site.

~~((For))~~ New applicants -

Application fees shall be based on an estimate of the current year's gross sales of organic ~~((and transition to organic))~~ food. In the event that the current calendar year's gross sales exceed the estimate, the department may bill the producer for the additional fee. In the event that the current calendar year's gross sales is less than the estimate, the producer may request a refund for the reduced fee. In addition, new applicants pay a seventy-five dollar new applicant fee. New applicants that are seeking organic certification for more than one site must pay a site fee of fifty dollars for each additional site. The fee shall accompany the application.

Gross Sales	Annual Fee
\$ 0 - \$ 12,000	\$ 165
\$ 12,001 - \$ 15,000	\$ 200
\$ 15,001 - \$ 20,000	\$ 220
\$ 20,001 - \$ 25,000	\$ 275
\$ 25,001 - \$ 30,000	\$ 330
\$ 30,001 - \$ 35,000	\$ 385
\$ 35,001 - \$ 42,500	\$ 465
\$ 42,501 - \$ 50,000	\$ 550
\$ 50,001 - \$ 65,000	\$ 660
\$ 65,001 - \$ 80,000	\$ 825
\$ 80,001 - \$ 100,000	\$ 990
\$ 100,001 - \$ 125,000	\$ 1,100
\$ 125,001 - \$ 150,000	\$ 1,150
\$ 150,001 - \$ 175,000	\$ 1,320
\$ 175,001 - \$ 200,000	\$ 1,375
\$ 200,001 - \$ 240,000	\$ 1,540
\$ 240,001 - \$ 280,000	\$ 1,595
\$ 280,001 - \$ 325,000	\$ 1,650
\$ 325,001 - \$ 375,000	\$ 1,720
\$ 375,001 - \$ 425,000	\$ 2,200
\$ 425,001 - \$ 500,000	\$ 2,300
\$ 500,001 - \$ 750,000	\$ 2,750
\$ 750,001 and up	\$ 2,000

plus one-tenth of one percent (0.10%) of gross organic sales

(2) Transitional acreage fee - Each applicant shall pay a fee of five dollars per acre for the land for which they are requesting transition to organic certification.

(3) Two inspections per year within the state of Washington are provided for under the above fee schedule. Additional inspections (in addition to two inspections provided for), if required for certification or maintenance of certification by the director, or requested by the producer, shall be at \$30/hr. plus mileage set at the rate established by the state office of financial management.

PROPOSED

Out-of-state inspections, if necessary or requested, shall be at the rate of \$30/hr. plus transportation costs.

((3)) (4) One sample per year is provided for under the above fee schedule. Additional samples (in addition to one sample provided for), if required for certification or maintenance of certification by the director, or requested by the organic producer, shall cost an additional lab fee of one hundred ten dollars. If an additional visit must be arranged to obtain a sample, it shall be at \$30/hr. plus mileage set at the rate established by the state office of financial management.

PROPOSED



NEW SECTION

WAC 16-156-070 Export and transaction certificates. (1) Organic export and transaction certificates are issued to verify that a specific shipment of organic food products has been produced, processed, and handled in accordance with chapter 15.86 RCW and rules adopted thereunder.

(2) Applications for export and transaction certificates must be submitted on forms furnished by the department. The applicant must furnish all information requested on the application. A separate application must be made for each export and transaction certificate.

(3) The fee for export and transaction certificates shall be thirty dollars per application.

WSR 01-12-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 6, 2001, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-084.

Title of Rule: Chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities and agencies.

Purpose: Clarify the language of the licensing requirements for foster homes, group care programs/facilities and child-placing agencies licensed by Children's Administration, DSHS. The chapter incorporates changes in state and federal law, Children's Administration policy and current legislation.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Change in the format and organization adds to clarity. The major changes have to do with strengthening health and safety requirements regarding exposure to second-hand smoke, water hazards, psychotropic medications, securing a child's belongings; increasing staffing during sleeping hours in group care facilities, raising the age of child care staff; changing language to comply with changes in federal legislation.

Reasons Supporting Proposal: Overall clarity, elimination of duplicative and out-of-date regulations, and effectiveness of the rules affecting foster homes, group care facilities and child-placing agencies will be achieved.

Name of Agency Personnel Responsible for Drafting and Implementation: Jean L. Croisant, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992; and Enforcement: Division of Licensed Resources, Office of Foster Care Licensing, Children's Administration, Department of Social and Health Services.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the chapter is to define the minimum general and specific licensing requirements for foster homes, staffed residential homes, group facilities and child-placing agencies. Foster homes and group care facilities must be regulated to ensure that children experience safe and healthy care while in out-of-home placement.

The anticipated effect will be the overall clarification of the requirements licensing foster homes, group care facilities and child-placing agencies. The more clearly written question and answer format will improve understanding of the rules and consistency of interpretation of the WAC chapter. It is anticipated there will be greater compliance with the rules, more effective monitoring, and fewer corrective action plans needed as a result of the changes.

Proposal Changes the Following Existing Rules: Some of the changes are as follows:

- Clarifying the use of psychotropic drugs.

- Aligning the chapter with federal laws under the Multi-ethnic Placement Act of 1994 and the Interethnic Adoption Provisions Act of 1996.
- Clarifying the difference between licensing and certification.
- Requiring a child's belongings to be secured for up to thirty days when a child leaves a home or facility, which allows time for the child's personal belongings to be moved to the new placement.
- Addition of the "awake staff" in group care settings where there are more than six children in care; or the focus of the program is behavioral in nature rather than transitional living or when the child's behavior is a risk.
- Expansion of the behavior management policy to include requiring training prior to the use of any physical restraint.
- Prohibiting smoking in any home or facility caring for children and in motor vehicles while transporting children.
- Clarification of capacity for foster homes allowing licensing for up to six foster children with the approval of the department.
- Have the same qualifications for the director, on-site program manager, and child care staff for all group care programs.
- Raising the minimum age of the licensee from eighteen to twenty-one years old.
- Raising the age of child care staff from eighteen to twenty-one years old, unless the person is nineteen or twenty and participation in an internship program with an accredited college or university.
- Reducing the capacity for respite care to comply with the general foster home licensed capacity.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Children's Administration gathered information in the small businesses in each region. A telephone survey was completed on those identified regarding changes in the rules. It was determined from the survey results that their costs would be minor. Therefore, only minor costs will be imposed on small businesses affected by these changes.

The preparation of a comprehensive small business economic impact statement is not required.

RCW 34.05.328 applies to this rule adoption. The proposed rule changes for chapter 388-148 WAC, Licensing requirements for foster homes, group care programs/facilities and agencies, are "significant legislative rules" as defined in RCW 34.05.325 and therefore require a cost benefit analysis (CBA). A copy of the CBA may be requested by contacting Jean L. Croisant, at the Division of Program and Policy Development, Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, (360) 902-7992, or loje300@dshs.wa.gov.

Hearing Location: The public hearing will be conducted through Department of Information Services videoconference, on August 9, 2001, at 10:00 a.m.; DIS - Interactive Technologies, Yesterday's Village, The 15 West Yakima Avenue Building, 15 West Yakima Avenue, Suite 220, Yakima, WA 98902, (509) 454-7878; at Educational Service District (ESD) 112, 2500 N.E. 65th Avenue, Vancouver, WA

PROPOSED

98661, (360) 750-7500; at 1107 S.W. Grady Way, Suite 112, Renton, WA 98055, (425) 277-7290; at DIS Interactive Technologies, 710 Sleater Kinney Road S.E., Suite Q, Lacey, WA 98504-2445, (360) 407-9487; at 8551 West Gage Boulevard, Suite H, Kennewick, WA 99336, (509) 734-7180; and at 1101 North Argonne, Suite 109, Spokane, WA 99201, (509) 921-2371.

Assistance for Persons with Disabilities: Contact Kelly Cooper, DSHS Rules Coordinator, by August 2, 2001, phone (360) 664-6094, TTY (360) 664-6178, e-mail myercme@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, by August 9, 2001.

Date of Intended Adoption: No sooner than August 10, 2001.

May 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 01-14 issue of the Register.

**WSR 01-12-103
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 6, 2001, 11:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-09-093 on April 18, 2001.

Title of Rule: Chapter 296-307 WAC, Safety standards for agriculture and chapter 296-24 WAC, General safety and health standards. Minor housekeeping changes throughout chapters 296-32, 296-36, 296-45, 296-54, 296-56, 296-62, 296-78, 296-155, and 296-350 WAC, WISHA administrative rules.

Purpose: As a result of the new safety and health core rules, chapter 296-800 WAC, which were adopted on May 9, 2001, additional clarifying and housekeeping changes are needed. The majority of the changes are references that need to be updated throughout WISHA's other rules. Also, the agricultural industry voiced their concern at the public hearings for the safety and health core rules that some of the core rules would apply to them. We subsequently met with stakeholders in the agricultural industry to address their concerns. It was agreed that some of the rules in the safety and health core rule book, which were taken from chapter 296-62 WAC, General occupational health standards, should be included in chapter 296-307 WAC, Safety standards for agriculture. They are:

- Employer chemical hazard communication.
- Lighting.
- Environmental tobacco smoke.

We would like your comments on whether you think this meets the requirements and intent of RCW 49.17.041 (2) and

(3), which states in part that "...rules for agricultural safety adopted under this chapter must exempt agricultural employers from the general industry safety standard adopted under chapter 49.17 RCW for all rules not specifically referenced in the agriculture safety standard." And "The department shall publish in one volume all of the occupational safety rules that apply to agricultural employers..."

Also, the first-aid requirements in chapter 296-307 WAC are being updated, which is actually more current, allowing two options for employers to ensure that there will be first-aid trained staff.

A summary of the proposed rules follows:

WAC 296-24-23505 Cabs.

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-260 Helicopters.

- Add a reference to subsection (21) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-33009 Container and portable tank storage.

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-33015 Service stations.

- Add a reference to subsection (8) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47509 Systems utilizing containers other than DOT containers.

- Add a reference to subsection (14) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47513 Storage of containers awaiting use or resale.

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47517 Liquefied petroleum gas service stations.

- Add a reference to subsection (14) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-55001 Definitions.

- Delete the following definitions: "Means of egress," "exit access," "exit," "exit discharge," "low hazard contents," "high hazard contents" and "ordinary hazard contents."

WAC 296-24-59203 Exemptions.

- These requirements are located in WAC 296-800-300.
- Repeal this section.

WAC 296-24-631 Employee alarm systems.

- Requirements relating to employee alarm systems are located in WAC 296-800-300.

PROPOSED

- Repeal this section.

WAC 296-24-63101 Scope and application.

- Repeal this section.

WAC 296-24-63103 General requirements.

- Repeal this section.

WAC 296-24-63105 Installation and restoration.

- Repeal this section.

WAC 296-24-63107 Maintenance and testing.

- Repeal this section.

WAC 296-24-63109 Manual operation.

- Repeal this section.

WAC 296-24-63199 Appendix A—Employee alarm systems.

- Repeal this section.

WAC 296-24-68215 Public exhibitions and demonstrations.

- Add a reference to subsection (2) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-75003 Protection for floor openings.

- Requirements relating to guarding of stairway floor openings are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to guarding of temporary floor openings are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to guarding of floor holes are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to floor hole covers are located in WAC 296-800-250 and 296-800-260.
- Requirements relating to doors or gates opening directly on a stairway are located in WAC 296-800-250.

WAC 296-24-75007 Protection of open-sided floors, platforms and runways.

- Requirements relating to the guarding of open-sided floors or platforms four feet or more above adjacent floor or ground level are located in WAC 296-800-250.
- Deleted the words "floors" and "platforms" from the title of this section.

WAC 296-24-75009 Stairway railings and guards.

- Requirements relating to stairway railings and guards are located in WAC 296-800-250.
- Repeal this section.

WAC 296-24-78003 Application of requirements.

- Deleted the words "care and use" from this section. Requirements relating to the care and use of ladders are located in WAC 296-800-290.

WAC 296-24-78005 Materials.

- Moved the table from WAC 296-24-78009, relating to the classification of various species of wood acceptable

for use in a ladder, to this section for better organization of information.

WAC 296-24-78009 Care and use of ladders.

- Requirements relating to the care and use of ladders are located in WAC 296-800-290.
- Moved the table relating to the classification of various species of wood acceptable for use in a ladder to WAC 296-24-78005 for better organization of information.
- Remaining requirements left in this section relate to ladder tests.
- Changed the title of this section to "Ladder tests."

WAC 296-36-190 Fire prevention and fire fighting.

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-45-67545 Refueling operations.

- Add a reference to subsection (2) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-54-521 Motor vehicles.

- Add a reference to subsection (9) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters.

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60083 Cranes and derricks.

- Add a reference to subsection (6) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60171 General requirements.

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60207 General requirements.

- Add a reference to subsection (4) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-59-105 Handcharge makeup methods.

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-62-05209 Access to records.

- Update a reference.

WAC 296-62-07619 Hygiene facilities and practices.

- Update a reference.

WAC 296-62-07719 Hygiene facilities and practices.

- Update references.

WAC 296-62-09001 Definitions.

- Delete the definition of "illumination." This definition is located in the safety and health core rules, chapter 296-800 WAC.
- Renumber section.

WAC 296-62-31335 Showers and change rooms.

- Update a reference.

WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory).

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-78-56505 Boats and mechanical devices on water.

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-78-795 Crane cages.

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-270 Flammable and combustible liquids.

- Add a reference to subsection (4) and (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-275 Liquefied petroleum gas (LP-gas).

- Add a reference to subsection (12) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-525 Cranes and derricks.

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-575 Helicopters and helicopter cranes.

- Add a reference to subsection (20) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-730 Tunnels and shafts.

- Add a reference to subsection (22) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-745 Compressed air.

- Add a reference to subsection (12) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-307-018 What are the employer's responsibilities?

- Update a reference in subsection (4).

WAC 296-307-039 How many people at the worksite must be first-aid trained?

- Change the title of this section to "first-aid summary."

WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first-aid.

- Create this section to include requirements relating to first-aid trained personnel being available.

WAC 296-307-03910 Make sure first-aid training contains required subjects.

- Create this section to include requirements relating to first-aid training.

WAC 296-307-03915 Document your first-aid training.

- Create this section to include requirements relating to documenting first-aid training.

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available.

- Create this section to include requirements relating to appropriate first-aid supplies.

WAC 296-307-03925 Provide a first-aid station when required.

- Create this section to include requirements relating to first-aid stations.

WAC 296-307-042 Must an employer provide first-aid kits?

- Repeal this section. Requirements are located in WAC 296-307-03920.

WAC 296-307-07013 What rules apply to vehicles used to transport employees?

- Add a reference relating to first-aid in subsection (12).

WAC 296-307-12040 Pesticide safety training—Standards for workers—40 C.F.R., § 170.130.

- Update a reference in the note.

WAC 296-307-13025 Pesticide safety training—Standards for pesticide handlers—40 C.F.R., § 170.230.

- Update a reference in the note.

WAC 296-307-14505 What records must an employer keep for pesticide applications?

- Delete a reference in subsection (17).

Chapter 296-307 WAC, Part Y, Occupational health standards.

- Create this part to incorporate related health standards currently located in chapter 296-800 WAC that are applicable to the agriculture industry.

WAC 296-307-550 Employer chemical hazard communication—Introduction.

- Create this section to include an introduction and summary relating to an employer's chemical hazard communication program.

WAC 296-307-55005 Develop, implement, maintain, and make available a written chemical hazard communication program.

- Create this section to include requirements relating to developing, implementing, maintaining, and making

available a written chemical hazard communication program.

WAC 296-307-55010 Identify and list all the hazardous chemicals present in your workplace.

- Create this section to include requirements relating to identifying and listing all the hazardous chemicals in your workplace.

WAC 296-307-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

- Create this section to include requirements relating to obtaining and maintaining material safety data sheets for each hazardous chemical used.

WAC 296-307-55020 Make sure material safety data sheets are readily accessible to your employees.

- Create this section to include requirements relating to making sure that material safety data sheets are readily accessible to your employees.

WAC 296-307-55025 Label containers holding hazardous chemicals.

- Create this section to include requirements relating to labeling containers that hold hazardous chemicals.

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

- Create this section to include requirements relating to informing and training your employees about hazardous chemicals in your workplace.

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

- Create this section to include requirements relating to laboratories using hazardous chemicals.

WAC 296-307-55040 Follow these rules for handling chemicals in factory-sealed containers.

- Create this section to include requirements relating to handling chemicals in factory-sealed containers.

WAC 296-307-55045 Translate certain chemical hazard communication documents upon request.

- Create this section to include requirements relating to the department translating chemical hazard communication documents upon request.

WAC 296-307-55050 Attempt to obtain a material safety data sheet (MSDS) upon request.

- Create this section to include requirements relating to the department attempt to obtain a material safety data sheet upon request.

WAC 296-307-55055 Items or chemicals exempt from the rule, and exemptions from labeling.

- Create this section to include items or chemicals exempt from this rule, and exemptions from labeling.

WAC 296-307-55060 Definitions.

- Create this section to include applicable definitions.

WAC 296-307-570 Lighting.

- Create this section to include lighting requirements.

WAC 296-307-57005 Provide and maintain adequate lighting.

- Create this section to include requirements relating to providing and maintaining adequate lighting.

WAC 296-307-590 Environmental tobacco smoke in the office.

- Create this section to include requirements relating to environmental tobacco smoke requirements.

WAC 296-307-59005 Control tobacco smoke in your building.

- Create this section to include requirements relating to controlling tobacco smoke in your building.

WAC 296-307-59010 Control tobacco smoke that comes in from the outside.

- Create this section to include requirements relating to controlling tobacco smoke that comes in from the outside.

WAC 296-350-60025 Reassuming jurisdiction or forwarding an appeal to the board.

- These requirements are located in WAC 296-800-350.
- Repeal this section.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

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

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

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

Proposal does not change existing rules. See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A number of criteria and exemptions were established for the small business economic impact statement (SBEIS) analysis. One key exemption from preparation of an SBEIS is presented in RCW 34.05.310 (4)(d); "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the transfer of certain health rules from chapter 296-800 WAC, to chapter 296-307 WAC represents an industry requested organizational change and does not alter the content or intent of the original rules, there will not be an economic impact on Washington state business.

The analysis of the proposed rule change reveals that in addition to not imposing new costs on businesses, the pro-

PROPOSED

posed changes will actually make WISHA rules easier for agriculture employers and employees to understand and use, and thus actually save them time. In conclusion, an SBEIS is not required for these rule changes.

RCW 34.05.328 does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule amendments because they do meet the exempt criteria outlined in RCW 34.05.328(5).

Hearing Location: Department of Labor and Industries Building, Room S119, 7273 Linderson Way S.W., Tumwater, WA, on July 11, 2001, at 9:00 a.m.; and at the Best Inn, 901 Berry Road, Ellensburg, WA, on July 12, 2001, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by June 27, 2001, at (360) 902-5484.

Submit Written Comments to: Cindy Ireland, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m. on July 16, 2001.

In addition to written comments, the department will accept comments submitted to fax (360) 902-5529 and via e-mail mooc235@lni.wa.gov. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: August 1, 2001.

June 6, 2001

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-018 What are the employer's responsibilities? You must:

- (1) Provide a safe and healthful working environment.
- (2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.
- (3) Implement a written accident prevention program as required by these standards.
- (4) Implement a hazard communication program as required by ~~((chapter 296-62 WAC, Part C))~~ WAC 296-307-550.
- (5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)
- (6) Provide safety education and training programs.
- (7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.
- (8) Implement the requirements of WAC 296-62-145 through 296-62-14529 to ensure the safety of employees who are exposed to confined spaces in the workplace.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-039 ~~((How many people at the work site must be first-aid trained?))~~ **Rule summary.** ~~((1) During working hours, each farm or crew must have at least one person qualified to give first-aid.~~

~~"Qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content and hours.~~

~~"Current certificate" means a first-aid training certificate that has not expired.~~

~~Note: The local department of labor and industries service location has a list of first-aid courses.~~

~~(2) The above requirement is met if the farm operator or spouse holds a current first-aid certificate and is available during working hours.~~

~~(3) Exception: The above requirements do not apply to employees whose duties require them to work alone at isolated work stations. However, employees working alone must be checked at intervals by some method agreed upon by you and the employee.)~~ Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 246-307-03905.

Make sure first-aid training contains required subjects.

WAC 296-307-03910.

Keep current and document your first-aid training.

WAC 296-307-03915.

Make sure appropriate first-aid supplies are readily available.

WAC 296-307-03920.

Provide a first-aid station when required.

WAC 296-307-03925.

Note: Additional requirements relating to first-aid are also located in the following sections:

- = WAC 296-307-07013(12), What rules apply to vehicles used to transport employees?
- = WAC 296-307-16175, First-aid requirements for operators of temporary worker housing.
- = WAC 296-307-16380, First-aid requirements for operators of cherry harvest camps.

Definitions:

First aid: The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit. Tests, such as X rays, must not be confused with treatment. For example, an employee thought he broke his arm and went to the hospital to get X rays. If the X rays show no broken bones, they are not considered first aid. On the other hand, if they do show a broken bone, they would be considered medical treatment.

First-aid station: A well marked location where first-aid kits and supplies are stored and telephone numbers of emergency medical services are posted.

Emergency medical service: Medical treatment and care given at the scene of any medical emergency or while transporting any victim to a medical facility.

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

NEW SECTION

WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first aid. You must:

PROPOSED

• Choose one of the following two options to make sure that your employees have access to personnel who are trained in first aid.

Option 1:

Make sure first-aid trained persons are in your workplace to help your employees if they become hurt or ill on the job by doing the following:

- Make sure that:

◆ Each person in charge of employees has first-aid training; or

◆ Another person with first-aid training is present or available to your employees, whenever you have 2 or more employees present.

Note: This rule is met if persons other than an employee, such as the farm operator or spouse, hold a current first-aid certificate and are available during working hours.

EXCEPTION: This rule does not apply to individual employees whose duties require them to work alone at isolated workstations. However, employees working alone must be checked at intervals by some method agreed upon by you and the employee.

- Adequately post emergency telephone numbers in your workplace.

Option 2:

Develop and maintain a written first-aid response plan for your workplace. If you choose this option, you must do all of the following:

- Determine how many, if any, employees should be trained in first aid, based on the following factors:

◆ What type(s) of occupational hazards are present in your workplace?

◆ How likely is it that a workplace injury or illness will occur?

◆ How serious are the occupational hazards in your workplace?

◆ How remote is your workplace?

◆ How complex is your worksite in terms of size, design, etc.?

◆ What medical emergencies have occurred at your workplace in the past?

◆ How far away and how long does it take to get to emergency medical services?

Note: Employers who require their employees to provide first aid must comply with the bloodborne pathogen rule, WAC 296-62-080.

You must:

• Make sure your first-aid response plan:

- Fits your work location, type of work, and environmental conditions.

- Identifies the available emergency medical services and access numbers and where they are posted.

- Describes the type of first-aid training employees receive, if applicable.

- Identifies the location(s) of first-aid supplies and/or first-aid stations.

- Identifies the contents of first-aid kits.

- Describes how first-aid supplies or kits will be inspected and maintained.

- Describes how injured or ill employees will have access to first-aid trained employees.

NEW SECTION

WAC 296-307-03910 Make sure first-aid training contains required subjects.

Note: Assess your workplace to determine if there are certain job hazards, if the time and distance from emergency medical services indicate a need for training beyond the items listed below.

You must:

• Make sure that every two years, employees are trained in and able to demonstrate their skill and knowledge of the following subject areas:

- Role and responsibilities of the first-aid provider.

- Assessing a scene.

- Performing an initial and ongoing assessment of an injured or ill person.

- Scene safety.

- Body substance isolation/bloodborne pathogens.

- Performing an emergency move.

- Placing an ill person in the recovery position.

- Opening and maintaining an airway.

- Providing rescue breathing.

- Managing an obstructed airway.

- Performing adult/one-rescuer CPR.

- Recognizing the warning signs and symptoms of medical problems.

- Recognizing and caring for an injured or ill person with decreased levels of responsiveness.

- Controlling external bleeding and recognizing internal bleeding.

- Recognizing and caring for victims of shock.

- Recognizing and stabilizing spinal injury.

- Recognizing and manually stabilizing suspected skeletal injuries.

- Knowledge of voluntary provisions of first aid, consent and confidentiality.

NEW SECTION

WAC 296-307-03915 Document your first-aid training. You must:

• Keep a written record of your employees' first-aid training by keeping rosters, first-aid cards, or certificates. You may store your documentation on a computer, as long as the information is readily available when requested by personnel of the department of labor and industries.

NEW SECTION

WAC 296-307-03920 Make sure appropriate first-aid supplies are readily available. You must:

• Make sure first-aid supplies are readily available. (See first-aid kit table.)

• Make sure first-aid supplies at your workplace are appropriate to:

- Your occupational setting.

- The response time of your emergency medical services.

PROPOSED

First-Aid Kit Table

Number of employees normally assigned to worksite	Minimum first-aid supplies required at worksite
1 - 15 Employees	1 Ten-package kit
16 - 30 Employees	2 Ten-package kits or 1 24-package kit
31 - 50 Employees	3 Ten-package kit or 1 36-package kit
Over 50 Employees (within 1/2 mile radius of supplies)	First-aid station or 1 36-package kit plus stretcher and two blankets

- Note:
- First-aid kits from your local retailer or safety supplier should be adequate for most nonindustrial employers.
 - The following is a list of suggested items for your first-aid kit:
 - 1 absorbent compress, 4 x 8 inches
 - 16 adhesive bandages, 1 x 3 inches
 - 1 adhesive tape, 5 yards long
 - 10 antiseptic single-use packages, 0.5 g application
 - 6 burn treatment single-use packages, 0.5 g application
 - 1 eye covering (for two eyes)
 - 1 eye wash, 1 fluid ounce
 - 4 sterile pads, 3 x 3 inches
 - 2 pair of medical exam gloves
 - 1 triangular bandage, 39 x 39 x 55 inches
 - Optional first-aid kit contents
 - Bandage compresses, 2 x 2 inches, 3 x 3 inches and 5 x 5 inches
 - Self-activating cold packs, 4 x 5 inches
 - Roller bandages, 6 yards long
 - Mouth-to-mouth barrier for CPR

You must:

- Make sure that first-aid supplies are:
 - Easily accessible to all your employees.
 - Stored in containers that protect them from damage, deterioration, or contamination. Containers must be clearly marked, not locked, and may be sealed.
 - Able to be moved to the location of an injured or acutely ill worker.

NEW SECTION

WAC 296-307-03925 Provide a first-aid station when required. You must:

- Provide a first-aid station with at least one first-aid trained employee available if there are fifty or more employees per shift at one location.
- Make sure the first-aid station:
 - Is well marked.
 - Is available to employees during all working hours.
 - Is equipped with first-aid supplies that are appropriate for your number of employees, occupational setting, and working conditions.
 - Has at least one portable first-aid kit.

Note: Kits may be carried in any motor vehicle that is used near the crew. The vehicle may be considered a first-aid station when it is identified as one and when the driver is trained in first-aid.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-07013 What rules apply to vehicles used to transport employees? You must ensure that motor vehicles used regularly to transport employees meet the following requirements:

- (1) The vehicles are well equipped, covered against the weather, and maintained in good mechanical condition at all times.
- (2) A sufficient number of properly secured seats are provided in each vehicle to accommodate the number of employees transported. When emergency conditions make it necessary to transport more employees than the seating capacity can accommodate, all employees must ride within the vehicle. No employee may ride on fenders or running boards of the vehicle.
- (3) No employees may ride in or on any vehicle with their legs hanging over the end or sides. All trucks without tail gates should have safety bars.
- (4) The vehicles have storage strong enough to retain sharp tools that could present a hazard to employees being transported.
- (5) All dump-trucks used to transport employees have an adequate safety chain or locking device to ensure that the body of the truck is not raised while employees are riding in it.

(6) Explosives or highly inflammable materials are not carried in or on the vehicle while it is used to transport employees.

(7) Exhaust systems are installed and maintained in proper condition, and are designed to eliminate the employee exposure to exhaust gases and fumes.

(8) Within the cab, crew trucks must carry only the number of passengers for which they are designed. In any seating arrangement, the driver must be able to maintain full freedom of motion. The driver's normal vision must be free from obstruction by passengers or the seating arrangement.

(9) All enclosed crew trucks have an emergency exit in addition to the regular entrance.

(10) Trucks used for hauling gravel may be used as crew trucks if they meet the following requirements:

- (a) Steps in proper places;
- (b) Wooden floors;
- (c) Securely fastened seats;
- (d) Truck is properly covered; and
- (e) Compliance with all other general regulations covering crew trucks.

(11) Half-ton vehicles must haul no more than six persons including driver. Three-quarter-ton vehicles must haul no more than eight persons including driver.

(12) The vehicle is equipped with the first-aid supplies required by WAC 296-307-042, two blankets, and a fire extinguisher.

Note: Additional requirements relating to first aid are located in WAC 296-307-039.

(13) Heating units with open fires are not used in vehicles transporting crews.

PROPOSED

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-12040 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;)) 296-307-550, *Employer chemical-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 296-307-12020 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 296-307-13025(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 296-307-13025 (3)(d).

(3) 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 296-307-13025(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, including information on wearing work clothing that protects the body from pesticide residues.

(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 preventing pesticides from entering the body by:

■ Emergency eyeflushing techniques;

■ Washing work clothes separately from other clothes before wearing them again;

■ Washing before eating, drinking, using chewing gum or tobacco, or using the toilet;

■ Washing/showering with soap and water, shampooing hair, and putting on clean clothes after work; and

■ Washing immediately in the nearest clean water if pesticides are spilled on the body. As soon as possible shower, shampoo, and change into clean clothes.

(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

PROPOSED

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.

(4) Verification of training.

(a) Except as provided in subsection (4)(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.

AMENDATORY SECTION (Amending WSR 98-24-096, filed 12/1/98, effective 3/1/99)

WAC 296-307-13025 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-)) 296-307-550. Employer chemical 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 296-307-13025 (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 equipment, 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.

AMENDATORY SECTION (Amending WSR 97-09-013, filed 4/7/97, effective 4/7/97)

WAC 296-307-14505 What records must an employer keep for pesticide applications? (1) If you apply pesticides, or have pesticides applied for you, related to the production of an agricultural crop, you must keep records for each application. The records must include the following:

(a) The address or exact location where the pesticide was applied or stored;

Note: If you apply pesticides to one acre or more, the location must be shown on the map on the required form for at least the first application.

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied (application crop or site);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide applied;

(g) The total area to which pesticide was applied;

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual(s) making the application;

(i) The direction and estimated velocity of the wind at the time the pesticide was applied;

Exception: Wind information does not have to be recorded for applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the department.

(2) A commercial pesticide applicator must provide a copy of the pesticide application records to the owner or lessee of the lands to which the pesticide is applied. Pesticide application records may be provided on any form that includes all required information.

(3) You must update records on the same day that a pesticide is applied. You may use a copy as the record of the pesticide application. You must maintain the records for at least seven years after the date of the application.

(4) You must ensure that pesticide application records are readily accessible to employees and their designated representatives in a central location in the workplace. The records must be available beginning on the day the application is made and for at least thirty days after. You may view the pesticide application records and make your own record from that information.

(5) New or newly assigned employees must be made aware of the accessibility of the application records before working with pesticides or in an area containing pesticides.

(6) When storing pesticides, you must, at least once a year, perform an inventory of the pesticides stored in any work area.

(7) The pesticide inventory records must include the following information:

(a) The location where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency Registration Number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(8) You must maintain a record of pesticide purchases made between the annual inventory dates.

(a) Instead of this purchase record, you may obtain from distributors from whom you buy pesticides, a statement obligating the distributor to maintain the purchase records on your behalf to meet the requirements of this section.

(b) We may require you to submit all purchase records covering the purchases during a specified period of time or in a specified geographical area.

(9) When you end all pesticide activities, you must file the records with us. Anyone who succeeds or replaces you must retain the records required by this section, but that person is not liable for any violations you commit.

(10) You must ensure that the records required under this section are readily accessible to us for inspection. You must also provide copies of the records on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries;

(b) Treating health care personnel; or

(c) The pesticide incident reporting and tracking review panel.

(11) The designated representative or treating health care personnel are not required to identify the employee represented or treated.

(12) We will keep the name of any affected employee confidential according to RCW 49.17.080(1).

(13) When treating health care personnel request records under this section, and the record is required to determine treatment, you must provide copies of the record immediately. Information for treating health care personnel must be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, you must provide copies of the records within seventy-two hours.

(14) If requested, you must provide copies of records on a form provided by the department.

(15) If you suspect that an employee is ill or injured because of an exposure to one or more pesticides, you must immediately provide the employee with a copy of the relevant pesticide application records.

(16) If you refuse to provide a copy of a requested record, the requester may notify the department of the request and your refusal.

(a) Within seven working days, we will request that you provide us with all pertinent copies of the records, except that in a medical emergency we will request within two working days.

(b) You must provide copies of the records to us within twenty-four hours after we request.

(17) We inspect for the records required under this section as part of any on-site inspection of a workplace con-

PROPOSED

ducted under this chapter or chapter 49.17 RCW. We will determine, during the inspection, whether the records are readily transferable to a form adopted by the department, and readily accessible to employees. However, your records will not be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, we may conduct reasonable multiple inspections, according to department rules. ((See WAC 296-27-16018, Compliance inspections, and WAC 296-27-16026, Programmed inspections.)) Nothing in this section limits our inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If you fail to maintain the records, or provide access to or copies of the records required under this section, you will be subject to penalties authorized under RCW 49.17.180.

(19) The department of labor and industries and the department of agriculture will jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100.

PART Y - OCCUPATIONAL HEALTH STANDARDS

NEW SECTION

WAC 296-307-550 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with Chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.
- You may withhold trade secret information under certain circumstances, see Trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

EXEMPTIONS:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-307-55055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products

- Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
- Food or alcoholic beverages
- Some drugs, such as retail or prescription medications
- Retail cosmetics
- Ionizing and nonionizing radiation
- Biological hazards
- Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer

◆ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example:

If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

– Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

– Manufactured items that are fluids or in the form of particles are not exempt for this rule.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program

WAC 296-307-55005

Identify and list all the hazardous chemicals present in your workplace

WAC 296-307-55010

Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used

WAC 296-307-55015

Make sure that material safety data sheets (MSDSs) are readily accessible to your employees

WAC 296-307-55020

Label containers holding hazardous chemicals

WAC 296-307-55025

PROPOSED

Inform and train your employees about hazardous chemicals in your workplace

WAC 296-307-55030

Follow these rules for laboratories using hazardous chemicals

WAC 296-307-55035

Follow these rules for handling chemicals in factory sealed containers

WAC 296-307-55040

The department must:

Translate certain chemical hazard communication documents upon request

WAC 296-307-55045

Attempt to obtain a material safety data sheet (MSDS) upon request

WAC 296-307-55050

Exemption: Items or chemicals exempt from the rule, and exemptions from labeling

WAC 296-307-55055

Definitions

WAC 296-307-55060

NEW SECTION

WAC 296-307-55005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program. You must:

- Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specifically for your workplace. The Chemical Hazard Communication Program must, at a minimum, include:

- A list of hazardous chemicals known to be present in your workplace

- Procedures for making sure all containers are properly labeled

- A description of how you are going to obtain and maintain your material safety data sheets (MSDSs)

- A description of how you are going to train and inform your employees about hazardous chemicals in their workplace

- A description of how you are going to inform your employees about:

- ◆ Chemical hazards used during nonroutine tasks

- ◆ The hazards associated with chemicals contained in unlabeled pipes in their work areas

You must:

- Make sure your written Chemical Hazard Communication Program includes the following communication methods you will apply if you produce, use, or store hazardous chemicals at your workplace(s) in such a way that the employees of other employer(s) may be exposed:

- Provide the other employer(s) with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a central location at the workplace

- Inform the other employer(s) of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies

- Describe how to inform the other employer(s) of the labeling system used in the workplace

Note:

- Examples of employees of other employers who could be exposed to chemical hazards that you produce, use, or store in your workplace include employees of construction companies, cleaning services, or maintenance contractors visiting or working on-site.
- Your employees have the right to get chemical hazard communication information from other employers at workplaces where they are working; and employees of other employers have the right to get the information from you when they are working at your workplace.
- Include in your written Chemical Hazard Communication Program the methods that you will use to share information with other employers and their employees at your workplace(s) regarding:
 - Access to MSDSs
 - Precautionary measures such as personal protective equipment (PPE) and emergency plans
 - Any labeling systems used at the workplace.

If you rely on another employer's chemical hazard communication program to share the information required and the program meets the requirements of this rule, document in your own written Chemical Hazard Communication Program.

You must:

- Make your Chemical Hazard Communication Program available to your employees.

Note: Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

NEW SECTION

WAC 296-307-55010 Identify and list all the hazardous chemicals present in your workplace. You must:

- Identify all hazardous chemicals in your workplace. This includes any chemical that is known to be present in your workplace in such a way that employees may be exposed to it under normal conditions of use or in a foreseeable emergency.

- Create a list of these chemicals using the chemical or common name on the material safety data sheet (MSDS). This list:

- Must be compiled for the workplace as a whole, or for individual work areas.

- Is necessary to make sure that all hazardous chemicals are identified and that MSDS, and labeling rules are met.

- Must be current.

Note: The following are some ways to determine whether a product is hazardous:

- Look for words on the label, such as "CAUTION," "WARNING," or "DANGER."
- Look for words or "hazard coding" that indicate that the chemical is flammable, an irritant, corrosive, carcinogenic, etc. "Hazard coding" refers to words, numbers, or colors that tell you a chemical is dangerous.
- Check the product's MSDS for hazard information.

Examples of hazardous chemicals are: Acids, adhesives, caustics, fuels, paints, varnishes, shellacs and pesticides. Too many other classes of hazardous chemicals exist to list them all here. If you have any questions about a chemical you have at your workplace, contact your local L&I office.

PROPOSED

NEW SECTION**WAC 296-370-55015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used. You must:**

- Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS is not provided with the shipment of a hazardous chemical from the chemical manufacturer or importer.

Note:

- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.
- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.
- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA. You may contact your local regional office for assistance or make a written request for assistance to the: Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610
- Include in your request:
 - A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor
 - The name of the product suspected of containing a hazardous chemical
 - The identification number of the product, if available
 - A copy of the product label, if available
 - The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained

You must:

- Maintain a MSDS for each hazardous chemical:
 - Keep copies of the required MSDSs for each hazardous chemical present in your workplace. These may be kept in any form, including as a part of operating procedures.
 - Each MSDS must be in English. You may also keep copies in other languages.

Note:

- If you choose not to rely on MSDSs or labels provided by the manufacturer or importer, you must comply with the chemical hazard communication standard for manufacturers, importers, and distributors, WAC 296-62-054.
- It may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. MSDSs can be designed to cover groups of hazardous chemicals in a work area.

NEW SECTION**WAC 296-307-55020 Make sure material safety data sheets are readily accessible to your employees. You must:**

- Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift to employees when they are in their work area(s).
- Make sure that employees can immediately obtain the required MSDS information in an emergency.

- Where employees must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, the MSDSs may be kept at a central location at the primary workplace facility.

- This can be done by means such as voice communication or laptop computer.

Note:

- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.
 - Barriers to immediate access of electronic MSDSs may include:
 - Power outages
 - Equipment failure
 - System delays
 - Deficient user knowledge to operate equipment
 - Location of equipment outside the work area
- Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

NEW SECTION**WAC 296-307-55025 Label containers holding hazardous chemicals.**

EXEMPTIONS: The following is a summary of items that are exempt from this rule. For complete information about each of these, see WAC 296-307-55055.

- Pesticides, when labeled as required by the Environmental Protection Agency (EPA)
- Food, food additives, color additives, drugs, cosmetics, or medical/veterinary devices or products
- Alcoholic beverages not intended for industrial use
- Consumer products labeled, as required, by the Consumer Product Safety Commission
- Agriculture or vegetable seeds treated and labeled as required by the Federal Seed Act

Note:

You are not required to label portable containers into which hazardous chemicals are transferred from labeled containers, if the chemical is used and controlled by the employee who performed the transfer within the same shift.

You must:

- Make sure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:

- The identity of the hazardous chemical(s) using either the chemical or common name

Note:

You are not required to list each component in a hazardous mixture on the label. If a mixture is referred to on a material safety data sheet (MSDS) by a product name, then the product name should be used as the identifier.

- Appropriate hazard warnings which give general information about the relevant health and physical hazards of the chemicals. This includes health effects information, such as information about organs most likely to be affected by the chemicals.

EXAMPLES OF LABEL:

Name of Chemical
Physical Hazards
Health Hazards;
• Health effects information
• Affected Target Organs

– For individual stationary process containers, you may use alternate labeling methods such as:

- ◆ Signs
- ◆ Placards
- ◆ Process sheets
- ◆ Batch tickets
- ◆ Operating procedures or
- ◆ Other such written materials, as long as the alternate method identifies the containers and conveys the required label information.

Note:

- You may use words, pictures, symbols or any combination to communicate the hazards of the chemical. Be sure to train your employees so they can demonstrate a knowledge of the labeling system you use.



- Some alternative labeling systems do not communicate target organ information, so the employee will have to rely on training provided by the employer to obtain this information.

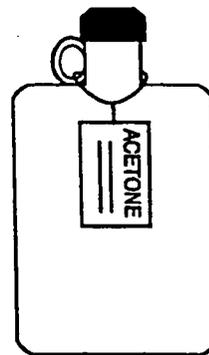
You must:

• Not remove or deface existing labels on incoming containers of hazardous chemicals (such as those marked with United States Department of Transportation (USDOT) markings, placards, and labels), unless the container is immediately labeled with the required information. You do not need to put on new labels if existing labels already provide the required information. If the package or container is sufficiently cleaned of residue and purged of vapors to remove any potential health or physical hazard, existing labels can be removed.

• Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.

Note:

- Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.



- Above is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.

You must:

• Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health rule, that the labels or other warnings are used according to those rules.

NEW SECTION

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace. You must:

• Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

– Inform employees of:

- ◆ The requirements of this rule.
- ◆ Any operations in their work area where hazardous chemicals are present.
- ◆ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

• Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained. Make sure that employee training includes:

– Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

- ◆ Monitoring conducted by you
- ◆ Continuous monitoring devices
- ◆ Visual appearance or odor of hazardous chemicals when being released
- ◆ Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure
- ◆ Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific

PROPOSED

procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

- Appropriate work practices
- Engineering controls
- Emergency procedures
- Personal protective equipment to be used
- Details of the Chemical Hazard Communication Program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.
- Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs.
- Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note:

- Interactive computer-based training or training videos can be used provided they are effective.
- Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

NEW SECTION

WAC 296-307-55035 Follow these rules for laboratories using hazardous chemicals.

Note: Laboratories are required to have a written Chemical Hygiene Plan under WAC 296-62-400, if applicable. They are not required to have a written Chemical Hazard Communication Program.

You may combine your Accident Prevention Program and Chemical Hazard Communication Program to assist you in developing a Chemical Hygiene Plan for your laboratory.

You must:

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals and make them available to laboratory employees when they are in their work areas.
- (3) Provide laboratory employees with information and training as described in: "Inform and train your employees about hazardous chemicals in your workplace," WAC 296-307-55030, except for the part about the location and availability of the written Chemical Hazard Communication Program.

Note: Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, "Hazard communication standards for chemical manufacturers, importers and distributors," WAC 296-62-054.

NEW SECTION

WAC 296-307-55040 Follow these rules for handling chemicals in factory-sealed containers. You must:

This applies to situations where employees only handle chemicals in factory-sealed containers that are not opened under normal use (such as those found in marine cargo handling, trucking, warehousing, or retail sales). **You must:**

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Keep or obtain material safety data sheets.
 - Keep any MSDSs that are received with incoming shipments of the sealed containers of hazardous chemicals
 - If a factory-sealed container of hazardous chemicals comes without a MSDS, obtain one as soon as possible, if an employee requests it
- (3) Make sure that the MSDSs are readily accessible during each work shift to employees when they are in their work area(s).
- (4) Inform and train your employees about hazardous chemicals in your workplace, to protect them in case of a hazardous chemical spill or leak from a factory-sealed container. You do not have to cover the location and availability of the written Chemical Hazard Communication Program.

NEW SECTION

WAC 296-307-55045 Translate certain chemical hazard communication documents upon request. The department must:

- Upon receipt of a written or verbal request, prepare and make available (within available resources) to employers or the public, a translation into Cambodian, Chinese, Korean, Spanish, or Vietnamese of any of the following:
 - An employer's written Chemical Hazard Communication Program
 - A material safety data sheet or
 - Written materials prepared by the department to inform employees of their rights described in this rule, regarding chemical hazard communication

Note: Written requests for translations should be directed to:
 Department of Labor and Industries
 Right-to-Know Program
 P.O. Box 44610
 Olympia, Washington 98504-4610

NEW SECTION

WAC 296-307-55050 Attempt to obtain a material safety data sheet (MSDS) upon request. The department must:

- Upon receipt of an employer's written request for a material safety data sheet, attempt to obtain the MSDS from the chemical manufacturer, importer, or distributor. When the department receives the MSDS, the department must forward a copy of it to the purchaser at no cost. Small business employees will be given priority for this service.

NEW SECTION**WAC 296-307-55055 Items or chemicals exempt from the rule, and exemptions from labeling.**

• Listed below are the full descriptions of the items or chemicals that are exempt, or not covered, by this rule:

– Any consumer product or hazardous substance, defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where you can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.

– Any hazardous waste, defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology, that describes specific safety, labeling, personnel training, and other rules for the accumulation, handling, and management of hazardous waste.

– Any hazardous waste, defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency.

– Any hazardous substance, defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.

– Tobacco or tobacco products.

– Wood or wood products, including lumber that will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility. Wood or wood products that have been treated with hazardous chemicals covered by this rule, and wood that may be subsequently sawed or cut, generating dust, are not exempt.

– Articles, meaning manufactured items other than a fluid or particle that:

◆ Are formed to a specific shape or design during manufacture;

◆ Have end use function(s) dependent in whole or in part upon their shape or design during end use; and

◆ Under normal conditions of use, do not release more than very small quantities, for example minute or trace amounts of a hazardous chemical such as emissions from a marking pen or a newly varnished wood chair, and do not pose a physical hazard or health risk to employees.

– Food or alcoholic beverages that are sold, used, or prepared in a retail establishment such as a grocery store, restaurant, or drinking place, and foods intended for personal consumption by employees while in the workplace.

– Any drug, defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (for example, tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment

(for example over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (for example, first-aid supplies). Aerosolized or cytotoxic drugs administered by a health care worker are not excluded.

– Cosmetics packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the *workplace*.

– Ionizing and nonionizing radiation.

– Biological hazards.

• This rule does not require labeling of the following chemicals:

– Any pesticide, defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency.

– Any chemical substance or mixture, in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act, and labeling requirements issued under that act by the Environmental Protection Agency.

– Any food, food additive, color additive, drug, cosmetic, or medical/veterinary device or product, including materials intended for use as ingredients in such products (for example, flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the Department of Agriculture.

– Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms.

– Any consumer product or hazardous substance, as defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety rule or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

– Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.), and the labeling requirements issued under that act by the Department of Agriculture.

NEW SECTION**WAC 296-307-55060 Definitions.****Chemical**

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

PROPOSED

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
- The chemical abstracts service (CAS) rules of nomenclature

OR

- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

An arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

Any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C).

Container

Any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank.

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-62-054 for requirements dealing with manufacturers, distributors and importers - hazard communication.

Employee

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

Employer

An employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposure or exposed

An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated

OR

- Present.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or

a flashback (a flame extending back to the valve) at any degree of valve opening;

- Gas, flammable means:
 - A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less; or
 - A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit;
- Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.
- Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

- The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:
 - Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or
 - Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or
 - Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Foreseeable emergency

Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Hazardous chemical

Any chemical that is a physical or health hazard.

Hazard warning

Can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health haz-

ard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Health hazard

Any chemical with the potential to cause acute or chronic health effects in exposed employees. The potential must be statistically significant based on evidence from at least one study conducted under established scientific principles. Health hazards include:

- Chemicals which are carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins
- Nephrotoxins
- Neurotoxins
- Agents which act on the hematopoietic system
- Agents which damage the lungs, skin, eyes, or mucous membranes.

See WAC 296-62-054 for more definitions and explanations about the scope of health hazards covered by this part.

See WAC 296-62-054 for the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.

Identity

Any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs.

Importer

The first business within the customs territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA.

See WAC 296-62-054 for requirements dealing with manufacturers, importers and distributors - hazard communication.

Material safety data sheet (MSDS)

Written or printed material that tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment.

For requirements for developing MSDSs see WAC 296-62-054—manufacturers, importers, and distributors - hazard communication.

Mixture

Any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of

hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:

- Permissible exposure limits - Time-weighted average (PEL-TWA) is the time-weighted average airborne exposure to any 8-hour work shift of a 40-hour work week and must not be exceeded.

- Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time-weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time-weighted average exposure over that time period must not be exceeded at any time during the working day.

- Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which must not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-weighted average exposure which must not be exceeded at any time over a working day.

- Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

Physical hazard

A chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive.

Produce

Any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Purchaser

An employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Responsible party

Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical abstracts service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information.

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Unstable (reactive)

An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

Means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Work area

A room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Workplace

The term workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

NEW SECTION

WAC 296-307-570 Lighting rule. Your responsibility: To provide an maintain adequate lighting in your workplace.

NEW SECTION

WAC 296-307-57005 Provide and maintain adequate lighting.

Note: This section establishes minimal levels of lighting for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting, ANSI/IES RP7-1979.

You must:

- Provide and maintain adequate lighting for all work activities in your workplace. See the following table.

Lighting Table		
Activity	Minimum Acceptable average lighting level in an area:	Any one single measurement used to determine the average lighting level*cannot be less than:
	(Foot-candles)	(Foot-candles)
Indoor task	10	5
Outdoor task	5	2.5
Nontask activities for both indoor and outdoor	3	1.5

- Lighting levels must be measured at thirty inches above the floor/working surface or at the task.

You must:

- Have adequate light for employees to see nearby objects that might be potential hazards or to see to operate emergency controls or other equipment, if general lighting is not available.

Note: • Lighting levels can be measured with a light meter.
• Conversion information: 1 foot candle = 1 lumen incident per square foot = 10.76 lux.

NEW SECTION

WAC 296-307-590 Environmental tobacco smoke in the office. Your responsibility:

To control exposure to environmental tobacco smoke in your office work environment

You must:

Control tobacco smoke in your building

WAC 296-307-59005

Control tobacco smoke that comes in from the outside

WAC 296-307-59010

Note: This rule does not preempt any federal, state, municipal, or other local authority's regulation of indoor smoking that is more protective than this section.

Definitions: *Office work environment* is an indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.

• Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning.

NEW SECTION

WAC 296-307-59005 Control tobacco smoke in your building.

EXEMPTION: The minimum criteria specified in this rule do not apply to outdoor structures provided for smokers such as gazebos or lean-tos.

You must:

- Prohibit smoking in your office work environment

OR

• Restrict smoking inside your office work environment to designated enclosed smoking rooms that meet the following minimum criteria:

– Identify smoking rooms clearly with signs.

– Make sure the designated smoking rooms are not in common areas, such as:

◆ Places where nonsmoking employees are required to work or visit

◆ Restrooms

◆ Washrooms

◆ Hallways

◆ Stairways

◆ Cafeterias/lunchrooms

◆ Meeting rooms

– Make sure that no employee is required to enter a designated smoking room while someone is smoking there.

– Conduct cleaning and maintenance work in designated smoking rooms when smokers are not present.

You must:

• Ventilate designated smoking rooms at a rate of at least 60 cubic feet per minute per smoker (calculated on the basis of the maximum number of smokers expected during the course of a normal working day), which can be supplied by transfer air from adjacent areas.

– Maintain enough negative air pressure in designated smoking areas to prevent smoke from migrating into non-smoking areas, at all times.

– Operate a separate mechanical exhaust system in designated smoking rooms, to make sure exhausted air moves directly outside, and does not recirculate into nonsmoking areas.

– Prohibit use of the designated smoking room if the mechanical exhaust system is not working properly, until repairs are completed.

Note: This ventilation rate is recommended for occupancies of no more than 7 people for every 100 square feet of net occupied space in the designated smoking room.

NEW SECTION

WAC 296-307-59010 Control tobacco smoke that comes in from the outside. You must:

PROPOSED

• Use engineering or administrative controls to minimize the amount of tobacco smoke that comes into your office(s) from outside the building.

– Make sure that outside smoking areas used by your employees are not close to doorways, air intakes, and other openings that may allow airflow directly into an office.

Note: By changing the way workers do their job, you can reduce work exposure to potential hazards. These changes are called administrative controls and include such things as:

- Job rotation
- Wetting down dusty areas
- Having employees shower after exposure to potentially harmful substances
- Maintaining equipment properly
- Cleaning up work areas to control the effect of potential hazards

Engineering controls let you plan or physically change the machinery or work environment to prevent employee exposure to potential hazards. This includes any modification of plant equipment, processes, or materials to reduce employees' exposure to toxic materials or harmful physical agents.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-307-042 Must an employer provide first-aid kits?

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-350-60025 Reassuming jurisdiction or forwarding an appeal to the board.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-23505 Cabs. (1) Cab location.

(a) The general arrangement of the cab and the location of control and protective equipment shall be such that all operating handles are within convenient reach of the operator when facing the area to be served by the load hook, or while facing the direction of travel of the cab. The arrangement shall allow the operator a full view of the load hook in all positions.

(b) The cab shall be located to afford a minimum of 3 inches clearance from all fixed structures within its area of possible movement.

(c) The clearance of the cab above the working floor or passageway should be not less than seven feet.

(2) Access to crane. Access to the cab and/or bridge walkway shall be by a conveniently placed fixed ladder, stairs, or platform, requiring no step over any gap exceeding 12 inches. Fixed ladders shall be in conformance with the American National Standards Institute, Safety Code for Fixed Ladders, ANSI A14.3-1956.

(3) Fire extinguisher. A carbon dioxide, dry-chemical, or equivalent hand fire extinguisher should be kept in the cab. Carbon tetrachloride extinguishers shall not be used.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(4) Lighting. Light in the cab shall be sufficient to enable the operator to see clearly enough to perform the work.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-260 Helicopters. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chin straps.

(b) Loose-fitting clothing likely to flap in the downwash and thus be snagged on hoist line shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within one hundred feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be

provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Handsignals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(21) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(22) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (21)(a) through (g) of this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-33009 Container and portable tank storage. (1) Scope.

(a) General. This section shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

(i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers.

(a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations - October 1, 1972, (regulations issued by the hazardous materials regulations board, department of transportation), shall be deemed to be acceptable.

PROPOSED

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005 (2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60°F) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

TABLE H-12
MAXIMUM ALLOWABLE SIZE OF
CONTAINERS AND PORTABLE TANKS

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II	Class III
	Glass or approved plastic _____	1 pt.	1 qu.	1 gal.	1 gal.
Metal (other than DOT drums) _____	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans _____	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal drums (DOT spec.) _____	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks _____	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions:

(i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more

than 325°F when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep fire away," to meet specifications set forth in WAC 296-24-140.

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead wood-screws. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms.

(a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

PROPOSED

TABLE H-13

STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. Ft./floor area)
Yes	2 hours	500 sq.ft.	10
No	2 hours	500 sq.ft.	4
Yes	1 hour	150 sq.ft.	5
No	1 hour	150 sq.ft.	2

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment within inside storage rooms used to store Class I liquids shall comply with the provisions of chapter 296-24 WAC Part L for Class I, Division 2 locations. For inside storage rooms used to store Class II and III liquids the pertinent provisions chapter 296-24 WAC Part L apply.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building.

(a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores.

(i) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for

computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14

INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

PROPOSED

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
- Note 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
(Numbers in parentheses indicate corresponding number of 55-gal. drums.)
- Note 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15

INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
- Note 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
- Note 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings.

(i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below

sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or stand-pipe connections.

(6) Storage outside buildings.

(a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16

OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 & 4)	5 Distance to street, alley, public way (see note 4)
	gal.	ft.	ft.	ft.
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

(i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(ii) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

PROPOSED

TABLE H-17

OUTDOOR PORTABLE TANK STORAGE

I Class	2 Maximum per pile gal.	3 Distance between piles ft.	4 Distance to property line that can be built upon ft.	5 Distance to street, alley, public way ft.
IA _____	2,200	5	20	10
IB _____	4,400	5	20	10
IC _____	8,800	5	20	10
II _____	17,600	5	10	5
III _____	44,000	5	10	5

- Note 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.
- Note 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.
- Note 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.
- Note 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control.

(a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with chapter 296-24 WAC, Part G-3.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

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

WAC 296-24-33015 Service stations. (1) Storage and handling.

(a) General provisions.

(i) Liquids shall be stored in approved closed containers not exceeding 60 gallons capacity, in tanks located underground, in tanks in special enclosures as described in (b) of this subsection, or in aboveground tanks as provided for in (3)(b)(i), (ii), (iii) and (iv) of this section.

(ii) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(iii) Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

(iv) The provisions of subsection (1) of this section shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

(A) The tank vehicle complies with the requirements covered in the Standard on Tank Vehicles for Flammable Liquids, NFPA 385-1966.

(B) The dispensing is done on premises not open to the public.

(C) The dispensing hose does not exceed 50 feet in length.

(D) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(vi) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(vii) Accurate inventory records shall be maintained and reconciled on all Class I liquid storage tanks for possible indication of leakage from tanks or piping.

(b) Special enclosures.

(i) When installation of tanks in accordance with WAC 296-24-33005(3) is impractical because of property or building limitations, tanks for flammable or combustible liquids may be installed in buildings if properly enclosed.

(ii) The enclosure shall be substantially liquid and vapor-tight without backfill. Sides, top, and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge

PROPOSED

to the outside any liquid or vapors which might accumulate should leakage occur.

(iii) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level in large buildings of commercial, mercantile, or residential occupancy, tanks containing Class I liquids, installed of necessity in accordance with subsection (1)(b)(ii) of this section, shall not exceed 6,000 gallons individual or 18,000 gallons aggregate capacity.

(c) Inside buildings.

(i) Except where stored in tanks as provided in subsection (1)(b) of this section, no Class I liquids shall be stored within any service station building except in closed containers of aggregate capacity not exceeding 60 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(ii) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station building provided the electrical installation complies with Table H-19 and provided that any heating equipment complies with subsection (5) of this section.

(iii) Class II and Class III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

(d) Labeling. No sale or purchase of any Class I, II, or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(e) Dispensing into portable containers. No delivery of any Class I liquids shall be made into portable containers unless the container is constructed of metal, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(2) Dispensing systems.

(a) Location. Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(b) Inside location. Approved dispensing units may be located inside of buildings. The dispensing area shall be separated from other areas in an approved manner. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

(c) Emergency power cutoff. A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(d) Dispensing units.

(i) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(ii) Only listed devices may be used for dispensing Class I liquids. No such device may be used if it shows evidence of having been dismantled.

(iii) Every dispensing device for Class I liquids installed after December 31, 1978, shall contain evidence of listing so placed that any attempt to dismantle the device will result in damage to such evidence, visible without disassembly or dismounting of the nozzle.

(iv) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(v) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

(e) Remote pumping systems.

(i) This subdivision shall apply to systems for dispensing Class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(ii) Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than 10 feet from lines of adjoining property which is/ or may be built upon, and not less than 5 feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings, as provided for dispensers in (b) of this subsection, or in pits as provided in (e)(iii) of this subsection. Pumps shall be substantially anchored and protected against physical damage by vehicles.

(iii) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

(iv) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(v) An approved impact valve, incorporating a fusible link, designed to close automatically in the event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(vi) Testing. After the completion of the installation, including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility shall be tested for at least 30 minutes at the maximum operating pressure of the system. Such tests shall be repeated at 5-year intervals thereafter.

(f) Delivery nozzles.

(i) A listed manual or automatic-closing type hose nozzle valve shall be provided on dispensers used for the dispensing of Class I liquids.

(ii) Manual-closing type valves shall be held open manually during dispensing. Automatic-closing type valves may be used in conjunction with an approved latch-open device.

(g) Special type dispensers.

(i) Emergency controls shall be installed at an acceptable location, but controls shall not be more than 100 feet from dispensers.

(ii) Instructions for the operation of dispensers shall be conspicuously posted.

(3) Marine service stations.

(a) Dispensing.

(i) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(ii) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(iii) Dispensing nozzles shall be automatic-closing without a hold-open latch.

(b) Tanks and pumps.

(i) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided below.

(ii) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of WAC 296-24-33005 relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(iii) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(iv) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in WAC 296-24-33005 (2)(h)(ii), so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(c) Piping.

(i) Piping between shore tanks and dispensing units shall be as described in WAC 296-24-33007, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(ii) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(iii) Piping shall be located so as to be protected from physical damage.

(iv) Piping handling Class I liquids shall be grounded to control stray currents.

(4) Electrical equipment.

(a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids are stored or handled the electrical equipment may be installed according to the provisions of chapter 296-24 WAC Part L for ordinary locations.

(b) All electrical equipment and wiring shall be of a type specified by and shall be installed according to chapter 296-24 WAC Part L.

(c) So far as it applies, Table H-19 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. A classified area shall not extend beyond an unpierced wall, roof, or other solid partition.

(d) The area classifications listed shall be based on the assumption that the installation meets the applicable requirements of this section in all respects.

TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	Class I, Group D division	Extent of classified area
Underground tank: Fill opening _____	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a loose fill connection and within a horizontal radius of 5 feet from a tight fill connection.
Vent—Discharging upward _____	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet of open end of vent, extending in all directions.
Dispenser: Pits _____	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
Dispenser enclosure _____	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.

PROPOSED

TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	Class I, Group D division	Extent of classified area
Outdoor	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
Indoor:		
With mechanical ventilation	2	Up to 18 inches above grade or floor level within 20 feet horizontally of any edge of enclosure.
With gravity ventilation	2	Up to 18 inches above grade or floor level within 25 feet horizontally of any edge of enclosure.
Remote pump—Outdoor	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
Remote pump—Indoor	1	Entire area within any pit.
	2	Within 5 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
Lubrication or service room	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
Dispenser for Class I liquids	2	Within 3 feet of any fill or dispensing point, extending in all directions.

TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	Class I, Group D division	Extent of classified area
Special enclosure inside building per WAC 296-24-33013 (1)(b)	1	Entire enclosure.
Sales, storage and rest rooms	Ordinary	If there is any opening to these rooms within the extent of a Division 1 area, the entire room shall be classified as Division 1.

(5) Heating equipment.

(a) Conformance. Heating equipment shall be installed as provided in (b) through (e) of this subsection.

(b) Application. Heating equipment may be installed in the conventional manner in an area except as provided in (c), (d) or (e) of this subsection.

(c) Special room. Heating equipment may be installed in a special room separated from an area classified by Table H-19 by walls having a fire resistance rating of at least 1 hour and without any openings in the walls within 8 feet of the floor into an area classified in Table H-19. This room shall not be used for combustible storage and all air for combustion purposes shall come from outside the building.

(d) Work areas. Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles. Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least 8 feet above the floor.

(e) Electric heat. Electrical heating equipment shall conform to subsection (4) of this section.

(6) Drainage and waste disposal. Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers but shall be stored in tanks or drums outside of any building until removed from the premises.

(7) Sources of ignition. In addition to the previous restrictions of this section, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors

PROPOSED

of all equipment being fueled shall be shut off during the fueling operation.

(8) Fire control. Each service station shall be provided with at least one fire extinguisher having a minimum approved classification of 6 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

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

WAC 296-24-47509 Systems utilizing containers other than DOT containers. (1) Application. This section applies specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. WAC 296-24-47505 of this section applies to this section unless otherwise noted in WAC 296-24-47505.

(2) Design pressure and classification of storage containers. Storage containers shall be designed and classified in accordance with Table H-31.

(3) Container valves and accessories, filler pipes, and discharge pipes.

(a) The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125 gallons or more, such terminals shall be located not less than 10 feet from any building (see WAC 296-24-47505 (6)(b)), and preferably not less than 5 feet from any driveway, and shall be located in a protective housing built for the purpose.

TABLE H-31

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100°F (37.8°C.)	Minimum design pressures of container lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68 U-69)	1949 edition of Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code ³
80 ¹	80 ¹	80 ¹	100 ¹
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200 ²	215	200	250

¹New storage containers of the 80 type have not been authorized since Dec. 31, 1947.

²Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designations when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) The 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

³Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(b) The filling connection shall be fitted with one of the following:

(i) Combination back-pressure check valve and excess flow valve.

(ii) One double or two single back-pressure check valves.

(iii) A positive shut-off valve in conjunction with either:

(A) An internal back pressure valve, or

(B) An internal excess flow valve.

(c) All openings in a container shall be equipped with approved automatic excess flow valves except in the following: Filling connections as provided in (3)(b) of this section; safety relief connections, liquid-level gaging devices as provided in WAC 296-24-47505 (7)(d), (19)(c) and (19)(h); pressure gage connections as provided in WAC 296-24-47505 (7)(e), as provided in (3)(d), (f) and (g) of this section.

(d) An excess flow valve is not required in the withdrawal service line providing the following are complied with:

(i) Such systems' total water capacity does not exceed 2,000 U.S. gallons.

(ii) The discharge from the service outlet is controlled by a suitable manually operated shut-off valve which is:

(A) Threaded directly into the service outlet of the container; or

(B) Is an integral part of a substantial fitting threaded into or on the service outlet of the container; or

(C) Threaded directly into a substantial fitting threaded into or on the service outlet of the container.

(iii) The shut-off valve is equipped with an attached handwheel or the equivalent.

(iv) The controlling orifice between the contents of the container and the outlet of the shut-off valve does not exceed five-sixteenths inch in diameter for vapor withdrawal systems and one-eighth inch in diameter for liquid withdrawal systems.

(v) An approved pressure-reducing regulator is directly attached to the outlet of the shut-off valve and is rigidly supported, or that an approved pressure-reducing regulator is attached to the outlet of the shut-off valve by means of a suitable flexible connection, provided the regulator is adequately supported and properly protected on or at the tank.

(e) All inlet and outlet connections except safety relief valves, liquid level gaging devices and pressure gages on containers of 2,000 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(f) In lieu of an excess flow valve openings may be fitted with a quick-closing internal valve which, except during operating periods shall remain closed. The internal mechanism for such valves may be provided with a secondary control which shall be equipped with a fusible plug (not over 220°F melting point) which will cause the internal valve to close automatically in case of fire.

PROPOSED

(g) Not more than two plugged openings shall be permitted on a container of 2,000 gallons or less water capacity.

(h) Containers of 125 gallons water capacity or more manufactured after July 1, 1961, shall be provided with an approved device for liquid evacuation, the size of which shall be three-fourths inch national pipe thread minimum. A plugged opening will not satisfy this requirements.

(4) Safety devices.

(a) All safety devices shall comply with the following:

(i) All container safety relief devices shall be located on the containers and shall have direct communication with the vapor space of the container.

(ii) In industrial and gas manufacturing plants, discharge pipe from safety relief valves on pipe lines within a building shall discharge vertically upward and shall be piped to a point outside a building.

(iii) Safety relief device discharge terminals shall be so located as to provide protection against physical damage and such discharge pipes shall be fitted with loose raincaps. Return bends and restrictive pipefittings shall not be permitted.

(iv) If desired, discharge lines from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, provided that the cross-sectional area of such header be at least equal to the sum of the cross-sectional area of the individual discharge lines, and that the setting of safety relief valves are the same.

(v) Each storage container of over 2,000 gallons water capacity shall be provided with a suitable pressure gage.

(vi) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

(vii) When a regulator or pressure relief valve is installed inside a building, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

(b) Safety devices for aboveground containers shall be provided as follows:

(i) Containers of 1,200 gallons water capacity or less which may contain liquid fuel when installed above ground shall have the rate of discharge required by WAC 296-24-47505 (10)(b) provided by a spring-loaded relief valve or valves. In addition to the required spring-loaded relief valve(s) suitable fuse plug(s) may be used provided the total discharge area of the fuse plug(s) for each container does not exceed 0.25 square inch.

(ii) The fusible metal of the fuse plugs shall have a yield temperature of 208°F minimum and 220°F maximum. Relief valves and fuse plugs shall have direct communication with the vapor space of the container.

(iii) On a container having a water capacity greater than 125 gallons, but not over 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made for draining condensate which may accumulate in the relief valve or its discharge pipe.

(iv) On containers of 125 gallons water capacity or less, the discharge from safety relief devices shall be located not less than 5 feet horizontally away from any opening into the building below the level of such discharge.

(v) On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container, and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the safety relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of product escaping from the drain.

(c) On all containers which are installed underground and which contain no liquid fuel until buried and covered, the rate of discharge of the spring-loaded relief valve installed thereon may be reduced to a minimum of 30 percent of the rate of discharge specified in WAC 296-24-47505 (10)(b). Containers so protected shall not be uncovered after installation until the liquid fuel has been removed therefrom. Containers which may contain liquid fuel before being installed under ground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

(d) On underground containers of more than 2,000 gallons water capacity, the discharge from safety relief devices shall be piped vertically and directly upward to a point at least 7 feet above the ground.

Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines shall be above the highest probable water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equaling or exceeding the combined discharge areas of the safety relief valves and other vent lines which discharge their content into the manhole housing.

(e) Safety devices for vaporizers shall be provided as follows:

(i) Vaporizers of less than 1 quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities referred to in WAC 296-24-47505 (2), demonstrate that the assembly is safe without safety relief valves.

(ii) No vaporizer shall be equipped with fusible plugs.

(iii) In industrial and gas manufacturing plants, safety relief valves on vaporizers within a building shall be piped to a point outside the building and be discharged upward.

(5) Reinstallation of containers. Containers may be reinstalled if they do not show any evidence of harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition (see (7)(f) of this section). Where containers are reinstalled above ground, the safety devices and gaging devices shall comply with (4) of this section and WAC 296-24-47505(19) respectively for aboveground containers.

(6) Capacity of containers. A storage container shall not exceed 90,000 gallons water capacity.

(7) Installation of storage containers.

(a) Containers installed above ground, except as provided in (7)(g) of this section, shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

(b) Aboveground containers shall be supported as follows:

(i) Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(ii) Containers of 2,000 gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the concrete pad, footing, or the ground does not exceed 24 inches.

(c) Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground does not exceed 5 feet, provided the container is in an isolated location.

(d) Containers may be partially buried providing the following requirements are met:

(i) The portion of the container below the surface and for a vertical distance not less than 3 inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers.

(ii) Spacing requirements shall be as specified for underground tanks in WAC 296-24-47505 (6)(b).

(iii) Relief valve capacity shall be as required for aboveground containers.

(iv) Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage.

(v) Filling densities shall be as required for aboveground containers as specified in Table H-27. See WAC 296-24-47505.

(e) Containers buried underground shall be placed so that the top of the container is not less than 6 inches below grade. Where an underground container might be subject to abrasive action or physical damage due to vehicular traffic or other causes, then it shall be:

(i) Placed not less than 2 feet below grade, or

(ii) Otherwise protected against such physical damage.

It will not be necessary to cover the portion of the container to which manhole and other connections are affixed; however, where necessary, protection shall be provided

against vehicular damage. When necessary to prevent floating, containers shall be securely anchored or weighted.

(f) Containers shall be given a protective coating before being placed underground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to prevent damage to the coating. Any damage to the coating shall be repaired before backfilling.

(i) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(g) Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed, and used in accordance with these rules subject to the following provisions:

(i) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(ii) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(iii) The bottom of the skids shall not be less than 2 inches or more than 12 inches below the outside bottom of the container shell.

(iv) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(v) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(vi) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(h) Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

(i) For aboveground containers, secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high floodwater might occur.

(j) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers, and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100°F. The use of nonmetallic hose is prohibited for permanently interconnecting such containers.

(k) Container assemblies listed for interchangeable installation above ground or under ground shall conform to the requirements for aboveground installations with respect

to safety relief capacity and filling density. For installation above ground all other requirements for aboveground installations shall apply. For installation under ground all other requirements for underground installations shall apply.

(8) Protection of container accessories.

(a) Valves, regulating, gaging, and other container accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be so protected during the transit of containers intended for installation underground.

(b) On underground or combination aboveground-underground containers, the service valve handwheel, the terminal for connecting the hose, and the opening through which there can be a flow from safety relief valves shall be at least 4 inches above the container and this opening shall be located in the dome or housing. Underground systems shall be so installed that all the above openings, including the regulator vent, are located above the normal maximum water table.

(c) All connections to the underground containers shall be located within a substantial dome, housing, or manhole and with access thereto protected by a substantial cover.

(9) Drips for condensed gas. Where vaporized gas on the low-pressure side of the system may condense to a liquid at normal operating temperatures and pressures, suitable means shall be provided for revaporization of the condensate.

(10) Damage from vehicles. When damage to LP-gas systems from vehicular traffic is a possibility, precautions against such damage shall be taken.

(11) Pits and drains. Every effort should be made to avoid the use of pits, except pits fitted with automatic flammable vapor detecting devices. No drains or blowoff lines shall be directed into or in proximity to sewer systems used for other purposes.

(12) General provisions applicable to systems in industrial plants (of 2,000 gallons water capacity and more) and to bulk filling plants.

(a) When standard watch service is provided, it shall be extended to the LP-gas installation and personnel properly trained.

(b) If loading and unloading are normally done during other than daylight hours, adequate lights shall be provided to illuminate storage containers, control valves, and other equipment.

(c) Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

(d) To minimize trespassing or tampering, the area which includes container appurtenances, pumping equipment, loading and unloading facilities, and cylinder-filling facilities shall be enclosed with at least a 6-foot-high industrial type fence unless otherwise adequately protected. There shall be at least two means of emergency access.

(13) Container-charging plants.

(a) The container-charging room shall be located not less than:

(i) Ten feet from bulk storage containers.

(ii) Twenty-five feet from line of adjoining property which may be built upon.

(b) Tank truck filling station outlets shall be located not less than:

(i) Twenty-five feet from line of adjoining property which may be built upon.

(ii) Ten feet from pumps and compressors if housed in one or more separate buildings.

(c) The pumps or compressors may be located in the container-charging room or building, in a separate building, or outside of buildings. When housed in separate building, such building (a small noncombustible weather cover is not to be construed as a building) shall be located not less than:

(i) Ten feet from bulk storage tanks.

(ii) Twenty-five feet from line of adjoining property which may be built upon.

(iii) Twenty-five feet from sources of ignition.

(d) When a part of the container-charging building is to be used for a boiler room or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls, and ceiling or roof in a manner to effect a permanent gas-tight joint.

(e) Electrical equipment and installations shall conform with WAC 296-24-47505 (17) and (18).

(14) Fire protection.

(a) Each bulk plant shall be provided with at least one approved portable fire extinguisher having a minimum rating of 12-B, C.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) In industrial installations involving containers of 150,000 gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and so spaced as to provide water protection for all containers. Sufficient lengths of firehose shall be provided at each hydrant location on a hose cart, or other means provided to facilitate easy movement of the hose in the container area. It is desirable to equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

(15) Painting. Aboveground containers shall be kept properly painted.

(16) Lighting. Electrical equipment and installations shall conform to WAC 296-24-47505 (17) and (18).

(17) Vaporizers for internal combustion engines. The provisions of WAC 296-24-47511(8) shall apply.

(18) Gas regulating and mixing equipment for internal combustion engines. The provisions of WAC 296-24-47511(9) shall apply.

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

WAC 296-24-47513 Storage of containers awaiting use or resale. (1) Application. This section shall apply to the storage of portable containers not in excess of one thousand pounds water capacity, filled or partially filled, at user loca-

tion but not connected for use, or in storage for resale by dealers or resellers. This section shall not apply to containers stored at charging plants or at plants devoted primarily to the storage and distribution of LP-gas or other petroleum products.

(2) General.

(a) Containers in storage shall be located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons.

(b) Containers when stored inside shall not be located near exits, stairways, or in areas normally used or intended for the safe exit of people.

(c) Container valves shall be protected while in storage as follows:

(i) By setting into recess of container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(ii) By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to a valve or other connection.

(d) The outlet valves of containers in storage shall be closed.

(e) Empty containers which have been in LP-gas service should preferably be stored in the open. When stored inside, they shall be considered as full containers for the purpose of determining the maximum quantity of LP-gas permitted by this section.

(3) Storage within buildings frequented by the public.

(a) DOT specification containers having a maximum individual water capacity of two and one-half pounds, used with completely self-contained hand torches and similar applications, are permitted to be stored or displayed in a building frequented by the public. The display of such containers shall be limited to a total of twenty-four units of each brand and size. The total quantity on display and in storage shall not exceed two hundred pounds LP-gas.

(b) Storage as provided in subsection (5) of this section shall not be permitted within or attached to such a building.

(4) Storage within buildings not frequented by the public (such as industrial buildings).

(a) The quantity of LP-gas stored shall not exceed three hundred pounds (approximately two thousand five hundred fifty cubic feet in vapor form) except as provided in subsection (5) of this section.

(b) Containers carried as a part of service equipment on highway mobile vehicles are not to be considered in the total storage capacity in (a) of this subsection provided such vehicles are stored in private garages, and are limited to one container per vehicle with an LP-gas capacity of not more than one hundred pounds. All container valves shall be closed.

(5) Storage within special buildings or rooms.

(a) The quantity of LP-gas stored in special buildings or rooms shall not exceed ten thousand pounds.

(b) The walls, floors, and ceilings of container storage rooms that are within or adjacent to other parts of the building shall be constructed of material having at least a two-hour fire resistance rating.

(c) A portion of the exterior walls or roof having an area not less than ten percent of that of the combined area of the enclosing walls and roof shall be of explosion relieving construction.

(d) Each opening from such storage rooms to other parts of the building shall be protected by a one and one-half-hour "(B)" fire door listed by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(e) Such rooms shall have no open flames for heating or lighting.

(f) Such rooms shall be adequately ventilated both top and bottom to the outside only. The openings from such vents shall be at least five feet away from any other opening into any building.

(g) The floors of such rooms shall not be below ground level. Any space below the floor shall be of solid fill or properly ventilated to the open air.

(h) Such storage rooms shall not be located adjoining the line of property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

(i) Fixed electrical equipment shall be installed in accordance with WAC 296-24-47505(18).

(6) Storage outside of buildings.

(a) Storage outside of buildings, for containers awaiting use or resale, shall be located in accordance with Table H-33 with respect to:

(i) The nearest important building or group of buildings;

(ii) The line of adjoining property which may be built upon;

(iii) Busy thoroughfares;

(vi) The line of adjoining property occupied by schools, churches, hospitals, athletic fields, or other points of public gathering.

TABLE H-33

Quantity of LP-Gas Stored:	Distance
500 pounds or less _____	0
501 to 2,500 pounds _____	0*
2,501 to 6,000 pounds _____	10 feet
6,001 to 10,000 pounds _____	20 feet
Over 10,000 pounds _____	25 feet

*Container or containers shall be at least ten feet from any building on adjoining property, any sidewalk, or any of the exposures described in (a)(iii) or (iv) of this subsection.

(b) Containers shall be in a suitable enclosure or otherwise protected against tampering.

(7) Fire protection. Storage locations other than supply depots separated and located apart from dealer, reseller, or user establishments shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

PROPOSED

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

WAC 296-24-47517 Liquefied petroleum gas service stations. (1) Application. This section applies to storage containers, and dispensing devices, and pertinent equipment in service stations where LP-gas is stored and is dispensed into fuel tanks of motor vehicles. See WAC 296-24-47511 for requirements covering use of LP-gas as a motor fuel. All requirements of WAC 296-24-47505 apply to this section unless otherwise noted.

(2) Design pressure and classification of storage containers. Storage containers shall be designed and classified in accordance with Table H-34.

(3) Container valves and accessories.

(a) A filling connection on the container shall be fitted with one of the following:

(i) A combination back-pressure check and excess flow valve.

(ii) One double or two single back-pressure valves.

(iii) A positive shutoff valve, in conjunction with either:

(A) An internal back-pressure valve, or

(B) An internal excess flow valve.

In lieu of an excess flow valve, filling connections may be fitted with a quick-closing internal valve, which shall remain closed except during operating periods. The mechanism for such valves may be provided with a secondary control which will cause it to close automatically in case of fire. When a fusible plug is used its melting point shall not exceed 220°F.

TABLE H-34

Container type	For gases with vapor press. not to exceed lb. per sq. in. gage at 100°F. (37.8°C.)	Minimum design pressure of container, lb. per sq. in gage	
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code ²
200 ¹	215	200	250

¹Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) The 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

²Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(b) A filling pipe inlet terminal not on the container shall be fitted with a positive shutoff valve in conjunction with either:

(i) A back pressure check valve, or

(ii) An excess flow check valve.

(c) All openings in the container except those listed below shall be equipped with approved excess flow check valves:

(i) Filling connections as provided in (3)(a) of this section.

(ii) Safety relief connections as provided in WAC 296-24-47505 (7)(b).

(iii) Liquid-level gaging devices as provided in WAC 296-24-47505 (7)(d) and (19)(d).

(iv) Pressure gage connections as provided in WAC 296-24-47505 (7)(e).

(d) All container inlets and outlets except those listed below shall be labeled to designate whether they connect with vapor or liquid (labels may be on valves):

(i) Safety relief valves.

(ii) Liquid-level gaging devices.

(iii) Pressure gages.

(e) Each storage container shall be provided with a suitable pressure gage.

(4) Safety-relief valves.

(a) All safety-relief devices shall be installed as follows:

(i) On the container and directly connected with the vapor space.

(ii) Safety-relief valves and discharge piping shall be protected against physical damage. The outlet shall be provided with loose-fitting rain caps. There shall be no return bends or restrictions in the discharge piping.

(iii) The discharge from two or more safety relief valves having the same pressure settings may be run into a common discharge header. The cross-sectional area of such header shall be at least equal to the sum of the individual discharges.

(iv) Discharge from any safety relief device shall not terminate in any building nor beneath any building.

(b) Aboveground containers shall be provided with safety relief valves as follows:

(i) The rate of discharge, which may be provided by one or more valves, shall be not less than that specified in WAC 296-24-47505 (10)(b).

(ii) The discharge from safety relief valves shall be vented to the open air unobstructed and vertically upwards in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container. Suitable provisions shall be made so that any liquid or condensate that may accumulate inside of the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of the product escaping from the drain.

(c) Underground containers shall be provided with safety relief valves as follows:

(i) The discharge from safety-relief valves shall be piped vertically upward to a point at least 10 feet above the ground. The discharge lines or pipes shall be adequately supported and protected against physical damage.

PROPOSED

(ii) Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines should be above the highest probable water level.

(iii) If no liquid is put into a container until after it is buried and covered, the rate of discharge of the relief valves may be reduced to not less than 30 percent of the rate shown in WAC 296-24-47505 (10)(b). If liquid fuel is present during installation of containers, the rate of discharge shall be the same as for aboveground containers. Such containers shall not be uncovered until emptied of liquid fuel.

(5) Capacity of liquid containers. Individual storage containers shall not exceed 30,000 gallons water capacity.

(6) Installation of storage containers.

(a) Each storage container used exclusively in service station operation shall comply with the following table which specifies minimum distances to a building, groups of buildings, and adjoining property lines which may be built upon.

Water capacity per container (gallons)	Minimum distances	
	Aboveground and underground (feet)	Between aboveground containers (feet)
Up to 2,000	25	3
Over 2,000	50	5

Note: The above distances may be reduced to not less than 10 feet for service station buildings of other than wood frame construction.

(i) Readily ignitable material including weeds and long dry grass, shall be removed within 10 feet of containers.

(ii) The minimum separation between LP-gas containers and flammable liquid tanks shall be 20 feet and the minimum separation between a container and the centerline of the dike shall be 10 feet.

(iii) LP-gas containers located near flammable liquid containers shall be protected against the flow or accumulation of flammable liquids by diking, diversion curbs, or grading.

(iv) LP-gas containers shall not be located within diked areas for flammable liquid containers.

(v) Field welding is permitted only on saddle plates or brackets which were applied by the container manufacturer.

(vi) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100°F. The use of nonmetallic hose is prohibited for interconnecting such containers.

(vii) Where high water table or flood conditions may be encountered protection against container flotation shall be provided.

(b) Aboveground containers shall be installed in accordance with this section.

(i) Containers may be installed horizontally or vertically.

(ii) Containers shall be protected by crash rails or guards to prevent physical damage unless they are so protected by virtue of their location. Vehicles shall not be serviced within 10 feet of containers.

(iii) Container foundations shall be of substantial masonry or other noncombustible material. Containers shall be mounted on saddles which shall permit expansion and contraction, and shall provide against the excessive concentration of stresses. Corrosion protection shall be provided for tank-mounting areas. Structural metal container supports shall be protected against fire. This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom not more than 24 inches above ground and whose water capacity is 2,000 gallons or less if the piping connected to the storage and pump assembly is sufficiently flexible to minimize the possibility of breakage or leakage in the event of failure of the container supports.

(c) Underground containers shall be installed in accordance with this section.

(i) Containers shall be given a protective coating before being placed under ground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to minimize abrasion or other damage to the coating. Damage to the coating shall be repaired before back-filling.

(ii) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(iii) A minimum of 2 feet of earth cover shall be provided. Where ground conditions make compliance with this requirement impractical, equivalent protection against physical damage shall be provided. The portion of the container to which manhole and other connections are attached need not be covered. If the location is subjected to vehicular traffic, containers shall be protected by a concrete slab or other cover adequate to prevent the weight of a loaded vehicle imposing concentrated direct loads on the container shell.

(7) Protection of container fittings. Valves, regulators, gages, and other container fittings shall be protected against tampering and physical damage.

(8) Transport truck unloading point.

(a) During unloading, the transport truck shall not be parked on public thoroughfares and shall be at least 5 feet from storage containers and shall be positioned so that shut-off valves are readily accessible.

(b) The filling pipe inlet terminal shall not be located within a building nor within 10 feet of any building or driveway. It shall be protected against physical damage.

(9) Piping, valves, and fittings.

(a) Piping may be underground, above ground, or a combination of both. It shall be well supported and protected against physical damage and corrosion.

(b) Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

(c) Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass, or steel tubing and shall be suitable for a minimum pressure of 250 p.s.i.g. Pipe joints may be screwed, flanged, brazed, or

PROPOSED

welded. The use of aluminum alloy piping or tubing is prohibited.

(d) All shutoff valves (liquid or gas) shall be suitable for liquefied petroleum gas service and designed for not less than the maximum pressure to which they may be subjected. Valves which may be subjected to container pressure shall have a rated working pressure of at least 250 p.s.i.g.

(e) All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-gas.

(f) Fittings shall be steel, malleable iron, or brass having a minimum working pressure of 250 p.s.i.g. Cast iron pipe fittings, such as ells, tees and unions shall not be used.

(g) All piping shall be tested after assembly and proved free from leaks at not less than normal operating pressures.

(h) Provision shall be made for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(10) Pumps and accessories. All pumps and accessory equipment shall be suitable for LP-gas service, and designed for not less than the maximum pressure to which they may be subjected. Accessories shall have a minimum rated working pressure of 250 p.s.i.g. Positive displacement pumps shall be equipped with suitable pressure actuated bypass valves permitting flow from pump discharge to storage container or pump suction.

(11) Dispensing devices.

(a) Meters, vapor separators, valves, and fittings in the dispenser shall be suitable for LP-gas service and shall be designed for a minimum working pressure of 250 p.s.i.g.

(b) Provisions shall be made for venting LP-gas contained in a dispensing device to a safe location.

(c) Pumps used to transfer LP-gas shall be equipped to allow control of the flow and to prevent leakage or accidental discharge. Means shall be provided outside the dispensing device to readily shut off the power in the event of fire or accident.

(d) A manual shutoff valve and an excess flow check valve shall be installed downstream of the pump and ahead of the dispenser inlet.

(i) Dispensing hose shall be resistant to the action of LP-gas in the liquid phase and designed for a minimum bursting pressure of 1,250 p.s.i.g.

(ii) An excess flow check valve or automatic shutoff valve shall be installed at the terminus of the liquid line at the point of attachment of the dispensing hose.

(e) LP-gas dispensing devices shall be located not less than 10 feet from aboveground storage containers greater than 2,000 gallons water capacity. The dispensing devices shall not be less than 20 feet from any building (not including canopies), basement, cellar, pit, or line of adjoining property which may be built upon and not less than 10 feet from sidewalks, streets, or thoroughfares. No drains or blowoff lines shall be directed into or in proximity to the sewer systems used for other purposes.

(i) LP-gas dispensing devices shall be installed on a concrete foundation or as part of a complete storage and dispensing assembly mounted on a common base, and shall be adequately protected from physical damage.

(ii) LP-gas dispensing devices shall not be installed within a building except that they may be located under a

weather shelter or canopy provided this area is not enclosed on more than two sides. If the enclosing sides are adjacent to each other, the area shall be properly ventilated.

(f) The dispensing of LP-gas into the fuel container of a vehicle shall be performed by a competent attendant who shall remain at the LP-gas dispenser during the entire transfer operation.

(12) Additional standards. There shall be no smoking on the driveway of service stations in the dispensing areas or transport truck unloading areas. Conspicuous signs prohibiting smoking shall be posted within sight of the customer being served. Letters on such signs shall be not less than 4 inches high. The motors of all vehicles being fueled shall be shut off during the fueling operations.

(13) Electrical. Electrical equipment and installations shall conform to WAC 296-24-47505 (17) and (18).

(14) Fire protection. Each service station shall be provided with at least one approved portable fire extinguisher having at least an 8-B, C, rating.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-55001 Definitions. ~~((1) Means of egress. A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: The way of exit access, the exit, and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.~~

~~(2) Exit access. Exit access is that portion of a means of egress which leads to an entrance to an exit.~~

~~(3) Exit. Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in these standards to provide a protected way of travel to the exit of discharge.~~

~~(4) Exit discharge. Exit discharge is that portion of a means of egress between the termination of an exit and a public way.~~

~~(5) Low hazard contents. Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur and that consequently the only probable danger requiring the use of emergency exits will be from panic, fumes, or smoke, or fire from some external source.~~

~~(6) High hazard contents. High hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes or explosions are to be feared in the event of fire.~~

~~(7) Ordinary hazard contents. Ordinary hazard contents shall be classified as those which are liable to burn with moderate rapidity and to give off a considerable volume of smoke but from which neither poisonous fumes nor explosions are to be feared in case of fire.~~

(8)) (1) Approved. For the purposes of chapter 296-24 WAC, Parts G-1, G-2 and G-3, approved shall mean listed or approved equipment by a nationally recognized testing laboratory. Refer to WAC 296-24-58503 (3)(c)(iv)(A) for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

((9)) (2) Emergency action plan. A plan for a workplace, or parts thereof, describing what procedures the employer and employees must take to ensure employee safety from fire or other emergencies.

((10)) (3) Emergency escape route. The route that employees are directed to follow in the event they are required to evacuate the workplace or seek a designated refuge area.

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

WAC 296-24-68215 Public exhibitions and demonstrations. (1) Installation requirements. Installation and operation of welding, cutting, and related equipment shall be done by, or under the supervision of, a competent operator to insure the personal protection of viewers and demonstrators as well as the protection from fire, of materials in and around the site and the building itself.

(2) Procedures.

(a) Cylinders containing compressed gases for use at the site shall not be charged in excess of one-half their maximum permissible content. (Cylinders of nonliquefied gases and acetylene shall be charged to not more than one-half their maximum permissible charged pressure in p.s.i.g. Cylinders of liquefied gases shall be charged to not more than one-half the maximum permissible capacity in pounds.)

(b) Cylinders located at the site shall be connected for use except that enough additional cylinders may be stored at the site to furnish approximately 1 day's consumption of each gas used. Other cylinders shall be stored, in an approved storage area, preferably outdoors, but this storage area shall not be located near a building exit.

(c) Cylinders in excess of 40 pounds total weight being transported to or from the site shall be carried on a hand or motorized truck.

(d) The site shall be constructed, equipped, and operated in such a manner that the demonstration will be carried out so as to minimize the possibility of injury to viewers.

(e) Sites involving the use of compressed gases shall be located so as not to interfere with the egress of people during an emergency.

(f) The fire department shall be notified in advance of such use of the site.

(g) Each site shall be provided with a portable fire extinguisher of appropriate size and type and with a pail of water.
Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(h) The public and combustible materials at the site shall be protected from flames, sparks, and molten metal.

(i) Hoses shall be located and protected so that they will not be physically damaged.

(j) Cylinder valves shall be closed when equipment is unattended.

(k) Where caps are provided for valve protection, such caps shall be in place except when the cylinders are in service or connected ready for service.

(l) Cylinders shall be located or secured so that they cannot be knocked over.

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

WAC 296-24-75003 Protection for floor openings.

~~((1) Every stairway floor opening shall be guarded by a standard railing constructed in accordance with WAC 296-24-75011. The railing shall be provided on all exposed sides (except at entrance to stairway). For infrequently used stairways where traffic across the opening prevents the use of fixed standard railing (as when located in aisle spaces, etc.); the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at entrance to stairway).~~

((2)) (1) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

((3)) (2) Every hatchway and chute floor opening shall be guarded by one of the following:

(a) Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings.

(b) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

(c) 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 telltales shall be installed to hang within five and one-half feet of ground or floor level.

(d) 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.

((4)) (3) Every skylight opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

((5)) (4) Every pit and trapdoor floor opening, infrequently used, shall be guarded by a floor opening cover of standard strength and construction which should be hinged in place. While the cover is not in place, the pit or trap opening

PROPOSED

shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.

~~((6))~~ (5) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place, the manhole opening shall be constantly attended by someone or shall be protected by removable standard railings.

~~((7))~~ Every temporary floor opening shall have standard railings, or shall be constantly attended by someone.

(8) Every floor hole into which persons can accidentally walk shall be guarded by either:

(a) A standard railing with standard toeboard on all exposed sides, or

(b) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be constantly attended by someone or shall be protected by a removable standard railing.

(9) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

(10) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 20 inches.)

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

WAC 296-24-75007 Protection of open-sided ~~((floors, platforms and))~~ runways. ~~((1))~~ Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in WAC 296-24-75011(3)) on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides;

(a) Person can pass;

(b) There is moving machinery, or

(c) There is equipment with which falling materials could create a hazard.) (1) Railings must be provided with a toeboard wherever, beneath the open sides:

(a) Person can pass;

(b) There is moving machinery; or

(c) There is equipment with which falling materials could create a hazard.

(2) Every runway shall be guarded by a standard railing (or the equivalent as specified in WAC 296-24-75011(3)) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway of not less than 18 inches wide. Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard,

additional guarding than is here specified may be essential for protection.

(3) Regardless of height, ~~((open-sided floors, walkways, platforms, or))~~ runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toeboard.

~~((4))~~ Tools and loose materials shall not be left on overhead platforms and scaffolds.)

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

WAC 296-24-78003 Application of requirements.

This section is intended to prescribe rules and establish minimum requirements for the construction, ~~((care, and use))~~ of the common types of portable wood ladders, in order to insure safety under normal conditions of usage. Other types of special ladders, fruit-picker's ladders, industrial tripod ladders, combination step and extension ladders, stockroom step ladders, aisle-way step ladders, shelf ladders, and library ladders are not specifically covered by this section.

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

WAC 296-24-78005 Materials. (1) Requirements applicable to all wood parts.

(a) All wood parts shall be of the species specified in Table D-5, seasoned to a moisture content of not more than 15 percent; smoothly machined and dressed on all sides; free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities except as hereinafter provided. Low-density wood shall not be used.

(b) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with black streaks when present in the part, shall be limited as specified for pitch and bark pockets.

(2) Permissible irregularities in side rails and back rails.

(a) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(b) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.

(c) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and

then only if they are not more frequent than 1 to any 3 feet of ladder length.

(d) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.

(e) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.

(3) Permissible irregularities in flat steps, rungs, and cleats.

(a) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(b) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(c) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.

(4) Classification of species of wood. Table D-5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.

(a) All minimum dimensions and specifications set forth in (b)(ii) for side rails and flat steps are based on the species of wood listed in Group 3 in Table D-5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D-5 for suggested methods of size adjustment.)

(b) All minimum dimensions and specifications set forth in the following "factor for increase in" for rungs and cleats are based on the species of wood listed in Group 1 in Table D-5. The cross-sectional dimensions specified for Group 1 species are increased by the factors shown in this subsection (based on the percentages of Table D-5) for the species group of which the cleats are to be made.

FACTOR FOR INCREASE IN

Species group	Each dimension	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.05
3	1.11	1.19
4	1.17	1.26

Table D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand one hundred fifty pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than ten percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than fifteen percent smaller if used edgewise (as in a rail) or twenty-five percent smaller if used flatwise (as in a tread).

<u>White ash</u>	<u><i>Fraxinus americana, pennsylvanica, quadrangulata</i></u>
<u>Beech</u>	<u><i>Fagus grandifolia</i></u>
<u>Birch</u>	<u><i>Betula lenta, alleghaniensis, nigra (2)</i></u>
<u>Rock elm</u>	<u><i>Ulmus thomasii</i></u>
<u>Hickory</u>	<u><i>Carya ovata, laciniosa, tomentosa, glabra</i></u>
<u>Locust*</u>	<u><i>Robinia pseudoacacia, Gleditsia triacanthos</i></u>
<u>Hard maple</u>	<u><i>Acer nigrum, saccharum</i></u>
<u>Red maple</u>	<u><i>Acer rubrum (3)</i></u>

PROPOSED

PROPOSED

Red oak *Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos*

White oak *Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba*

Pecan *Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)*

Persimmon *Diospyros virginiana*

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than seven and one-half percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than eleven percent smaller if used edgewise (as in a rail) or twenty percent smaller if used flatwise (as in a tread).

Douglas fir (coast region) *Pseudotsuga menziesii*
Western larch *Larix occidentalis*
Southern yellow pine *Pinus taeda, palustris, echinata, elliotii, rigida, virginiana*

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand six hundred pounds per square inch.

Red alder *Alnus rubra, rhombifolia (2)*
Oregon ash *Fraxinus latifolia*
Pumpkin ash *Fraxinus profunda*
Alaska cedar* *Chamaecyparis nootkatensis*
Port Orford cedar* *Chamaecyparis lawsoniana*
Cucumber *Magnolia acuminata*
Cypress* *Taxodium distichum*
Soft elm *Ulmus americana, rubra*
Douglas fir (Rocky Mountain type) *Pseudotsuga menziesii var. glauca*

Noble fir *Abies procera*
Gum *Liquidambar styraciflua*
West coast hemlock *Tsuga heterophylla*
Magnolia *Magnolia grandiflora*
Oregon maple *Acer macrophyllum*
Norway pine *Pinus resinosa*
Poplar *Liriodendron tulipifera*
Redwood* *Sequoia sempervirens*
Eastern spruce *Picea glauca, rubens*
Sitka spruce *Picea sitchensis*
Sycamore *Platanus occidentalis*
Tamarack *Larix laricina*
Tupelo *Nyssa aquatica, sylvatica*

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand three hundred seventy-five pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least five percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least seven and one-half percent greater if used edgewise (as in a rail) or fifteen percent greater if used flatwise (as in a tread).

Aspen *Populus tremuloides, grandidentata*
Basswood *Tilia americana, heterophylla (2)*
Buckeye *Aesculus octandra, glabra (2)*
Butternut *Juglanscinerea*
Incense cedar* *Libocedrus decurrens*
Western red cedar* *Thuja plicata*
Cottonwood *Populus balsamifera, deltoides, sargentii, heterophylla*
White fir *Abies concolor, grandis, amabilis, lasiocarpa, magnifica*
Hackberry *Celtis occidentalis, laevigata (2)*
Eastern hemlock *Tsuga canadensis*
Holly *Ilex opaca*
Soft maple *Acer saccharinum*
Lodgepole pine *Pinus contorta*
Idaho white pine *Pinus monticola*
Northern white pine *Pinus strobus*

<u>Ponderosa pine</u>	<u><i>Pinus ponderosa, pinus jeffreyi (Jeffrey pine)</i></u>
<u>Sugar pine</u>	<u><i>Pinus lambertiana</i></u>
<u>Engelmann spruce</u>	<u><i>Picea engelmannii</i></u>

Note 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, Check List of Native and Naturalized Trees of the United States (including Alaska), by Elbert L. Little. These publications can be obtained from the U.S. Government Printing Office, North Capital and "H" Streets Northwest, Washington D.C. 20401.

Note 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the forest products laboratory.

Note 3: Included under soft maple in American Lumber Standards nomenclature.

Note 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

(5) Metal parts. All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended, and shall be properly coated and protected so as to be rust resistant.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-78009 ((Care and use of ladders.)) Ladder tests. ((1) Care. To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(a) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.

(b) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(c) Frayed or badly worn rope shall be replaced.

(d) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(e) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(f) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(g) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(h) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(i) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by com-

petent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(j) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous, do not use."

(k) Rungs should be kept free of grease and oil.

(2) Use. The following safety precautions shall be observed in connection with the use of ladders:

(a) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(b) Ladders for which dimensions are specified should not be used by more than one person at a time nor with ladder jacks and scaffold planks where use by more than one person is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured.

(c) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(f) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames.

(g) When ascending or descending, the user should face the ladder.

(h) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(i) Short ladders shall not be spliced together to provide long sections.

(j) Ladders made by fastening cleats across a single rail shall not be used.

(k) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes.

(l) Tops of the ordinary types of stepladders shall not be used as steps.

(m) On two section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(n) Portable rung ladders with reinforced rails (see WAC 296-24-78007 (3)(b)(iii) and (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type

PROPOSED

should be used with great care near electrical conductors, since the reinforcing itself is a good conductor.

(o) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least three feet above the point of support, at eave, gutter, or roof line.

(p) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(q) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(r) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(s) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(t) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(u) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

(v) Stepladders shall not be used as single ladders.

(w) Separate ladders for ascending and descending shall be provided in building construction of more than two stories in height, or where traffic is heavy.

(x) Where one broad ladder is used, a center rail shall be provided, and each side plainly marked "up" and "down."

(y) Ladder rungs shall not be used to support more than one section of plank, and not more than two persons shall work on such section of planking at one and the same time. When two persons are working on the same section of plank, their work should be so arranged that their weight is equally distributed between two ladders as nearly as possible.

(z) When ladders are used of a length sufficient to possess a tendency to spring when weight is applied, they shall be provided with bracing to overcome same. This applies particularly to extension ladders.

(aa) Before climbing ladders, workers shall see that their shoes are free and clean of greasy or slippery substances.

(bb) When working from a stepladder over five feet high a worker shall not stand on a step higher than the third step from the top of the stepladder.

(cc) Ladders shall not be placed or used in elevator shafts or hoistways except where used by workers engaged in work within such shafts or hoistways, and then they shall be protected from objects falling from operations at higher elevations in or adjoining the shaft.

(dd) Workers shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(ee)) Ladders shall pass the following test:

When tested as a simple beam with a support under each end and the center rung loaded with a two hundred pound load, the ladder must support this load for ten minutes with-

out permanent set and without showing any sign of failure. The maximum deflection shall not be greater than shown in the enclosed table.

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
12	3	2 3/4
16	3	6 3/4
20	3	11 1/2
24	3	16 1/2
28	3	21 1/2
30	3	23 1/2
34	6	26
36	6	29
40	6	37
44	9	41

((ff) When working from a ladder over twenty five feet from the ground or floor, the ladder shall be secured at both top and bottom.

(gg) No type of work shall be performed on a ladder over twenty five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(hh) Work such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over thirty feet from the ground or floor while working on a ladder.

TABLE D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand one hundred fifty pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than ten percent smaller for each cross section dimension, or the thickness may remain unchanged, in which case the width may not be more than fifteen percent smaller if used edgewise (as in a rail) or twenty five percent smaller if used flatwise (as in a tread).

PROPOSED

White ash	<i>Fraxinus americana, pennsylvanica, quadrangulata</i>
Beech	<i>Fagus grandifolia</i>
Birch	<i>Betula lenta, alleghaniensis, nigra (2)</i>
Rock elm	<i>Ulmus thomasii</i>
Hickory	<i>Carya ovata, laciniosa, tomentosa, glabra</i>
Locust*	<i>Robinia pseudoacacia, Gleditsia triacanthos</i>
Hard maple	<i>Acer nigrum, saccharum</i>
Red maple	<i>Acer rubrum (3)</i>
Red oak	<i>Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra-nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos</i>
White oak	<i>Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba</i>
Pecan	<i>Carya illinoensis, cordiformis, myristiciformis (4), aquatica (4)</i>
Persimmon	<i>Diospyros virginiana</i>

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed two thousand pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than seven and one-half percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than eleven percent smaller if used edgewise (as in a rail) or twenty percent smaller if used flatwise (as in a tread).

Douglas fir (coast region)	<i>Pseudotsuga menziesii</i>
Western larch	<i>Larix occidentalis</i>
Southern yellow pine	<i>Pinus taeda, palustris, echinata, elliotii, rigida, virginiana</i>

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand six hundred pounds per square inch.

Red alder	<i>Alnus rubra, rhombifolia (2)</i>
Oregon ash	<i>Fraxinus latifolia</i>
Pumpkin ash	<i>Fraxinus profunda</i>
Alaska cedar*	<i>Chamaecyparis nootkatensis</i>
Port Orford cedar*	<i>Chamaecyparis lawsoniana</i>
Cucumber	<i>Magnolia acuminata</i>
Cypress*	<i>Taxodium distichum</i>
Soft elm	<i>Ulmus americana, rubra</i>
Douglas fir (Rocky Mountain type)	<i>Pseudotsuga menziesii var. glauca</i>
Noble fir	<i>Abies procera</i>
Gum	<i>Liquidambar styraciflua</i>
West coast hemlock	<i>Tsuga heterophylla</i>
Magnolia	<i>Magnolia grandiflora</i>
Oregon maple	<i>Acer macrophyllum</i>
Norway pine	<i>Pinus resinosa</i>
Poplar	<i>Liriodendron tulipifera</i>

Redwood*	<i>Sequoia sempervirens</i>
Eastern spruce	<i>Picea glauca, rubens</i>
Sitka spruce	<i>Picea sitchensis</i>
Sycamore	<i>Platanus occidentalis</i>
Tamarack	<i>Larix laricina</i>
Tupelo	<i>Nyssa aquatica, sylvatica</i>

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed one thousand three hundred seventy-five pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least five percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least seven and one-half percent greater if used edgewise (as in a rail) or fifteen percent greater if used flatwise (as in a tread).

Aspen	<i>Populus tremuloides, grandidentata</i>
Basswood	<i>Tilia americana, heterophylla (2)</i>
Buckeye	<i>Aesculus octandra, glabra (2)</i>
Butternut	<i>Juglans cinerea</i>
Incense cedar*	<i>Libocedrus decurrens</i>
Western red cedar*	<i>Thuja plicata</i>
Cottonwood	<i>Populus balsamifera, deltoides, sargentii, heterophylla</i>
White fir	<i>Abies concolor, grandis, amabilis, lasiocarpa, magnifica</i>
Hackberry	<i>Celtis occidentalis, laevigata (2)</i>
Eastern hemlock	<i>Tsuga canadensis</i>
Holly	<i>Hex opaea</i>
Soft maple	<i>Acer saccharinum</i>
Lodgepole pine	<i>Pinus contorta</i>
Idaho white pine	<i>Pinus monticola</i>
Northern white pine	<i>Pinus strobus</i>
Ponderosa pine	<i>Pinus ponderosa, pinus jeffreyi (Jeffrey pine)</i>
Sugar pine	<i>Pinus lambertiana</i>
Engelmann spruce	<i>Picea engelmannii</i>

- Note 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the U.S. Government Printing Office, North Capitol and "H" Streets Northwest, Washington D.C. 20401.
- Note 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.
- Note 3: Included under soft maple in American Lumber Standards nomenclature.
- Note 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-59203 Exemptions.

PROPOSED

WAC 296-24-631	Employee alarm systems.
WAC 296-24-63101	Scope and application.
WAC 296-24-63103	General requirements.
WAC 296-24-63105	Installation and restoration.
WAC 296-24-63107	Maintenance and testing.
WAC 296-24-63109	Manual operation.
WAC 296-24-63199	Appendix A—Employee alarm systems.
WAC 296-24-75009	Stairway railings and guards.

AMENDATORY SECTION (Amending Rules (Part XVI), filed 12/28/62)

WAC 296-36-190 Fire prevention and fire fighting.

(1) **General.** Every building and every flammable structure above ground and all places underground shall be within easy range of fire fighting equipment, which shall at all times be maintained in proper working conditions and ready for use.

(2) **Smoking.** No person shall smoke or carry lighted smoking materials in compressed air. No matches, mechanical or chemical igniters will be permitted in the working chamber except those necessary for welding or flame cutting operations.

(3) **Welding or flame cutting.** While welding or flame cutting is being done in compressed air, a watchman with a fire hose or approved extinguisher shall stand by until such operation is completed. Acetylene shall not be used in compressed air at acetylene pressure exceeding 15 pounds per square inch gage, or 30 pounds per square inch absolute.

(4) **Fire hose.** Fire hose shall be at least 1-1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to insure an uninterrupted flow. Fire hose when not in use shall be so located or guarded to prevent injury thereto.

Every power house, compressor house and every building housing ventilating equipment shall be provided with at least one hose connection in the water line with the fire hose connected thereto. A fire hose shall be maintained within easy reach of structures of wood over or near shafts.

(5) **Shafts and caissons.** Every shaft and every caisson containing flammable material of any kind, either above or below ground, shall be provided with a water line and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within easy reach of the hose stream.

(6) **Tunnels.** Every tunnel shall be provided with a water line extending into the working chamber and to within 100 feet of the working face. Such lines shall have hose outlets with 100 feet of fire hose properly attached and maintained as follows: One at the working face, one immediately inside of the bulkhead of the working chamber, and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel and 100 feet of fire hose shall be attached to the outlet nearest

to any location where flammable material is being kept or stored or where any flame is being used.

(7) **Fire extinguishers.** In addition to required fire hose protection, on every floor of every building used in connection with compressed air work, there shall be provided at least one extinguisher of adequate size approved for the class of hazard involved, except that extinguishers containing carbon tetrachloride or methyl bromide shall not be used. Extinguishers shall be so located as to be readily available and protected from damage.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

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

WAC 296-45-67545 Refueling operations. (1) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(2) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(3) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (2)(a) through (g) of this section.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-521 Motor vehicles. (1) The seats of each vehicle must be securely fastened.

(2) Each school bus type vehicle that will transport nine or more passengers must have a substantial barricade behind the driver. The barricade must extend from the floor to at least a level even with the top of the driver's head.

(3) Adequate provision must be made for safe entrance and exits. Each vehicle must have mounting steps and handholds wherever it is necessary to prevent an employee injury when entering or leaving the vehicle.

(4) When equipment or tools are carried inside the vehicle, the employer must provide and use racks, boxes, holsters or other means to transport tools so that a hazard is not created for any vehicle operator or passenger.

(5) No one may enter or exit any vehicle until the vehicle is completely stopped.

(6) Employees must keep all parts of the body within the vehicle.

(7) Heat and light must be available in the passenger area of the vehicle. Use of stoves in vehicles is prohibited.

(8) Vehicles designed to transport nine or more passengers must have an emergency exit that:

(a) Is at least six and one-half square feet in area, with the smallest dimension being at least 18 inches;

(b) Is placed at the back of the vehicle or near the back on the side opposite the regular entrance; and

(c) Has an unobstructed route to and from the exit.

(9) When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical fire extinguisher must be kept in the passenger compartment. When fuel is transported on the crew vehicle according to subsection (12) of this section, a minimum rated 10/BC dry chemical fire extinguisher must be kept in the passenger compartment. The extinguishing agent must be nontoxic and preferably noncorrosive.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(10) Exhaust systems must be designed and maintained to eliminate the exposure of passengers to toxic agents.

(11) Operating and maintenance instructions must be available in each vehicle. Each vehicle operator and maintenance employee must comply with the operating and maintenance instructions.

(12) Fuel must be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored must be vented so that a hazardous concentration of fumes cannot accumulate. All containers or drums must be properly secured to the vehicle while being transported. Commercially built pick-up or flatbed trucks with a maximum seating capacity of six persons may be used to carry fuel in or on the bed of such vehicles, if the fuel is not carried in the crew compartment. Van-type vehicles may be used to carry fuel only when a vapor-proof bulkhead is installed between the passenger compartment and storage compart-

ment. A maximum of forty-two gallons of gasoline may be carried or stored in the compartment and each container must have a maximum capacity seven gallons.

(13) Motor vehicles used regularly to transport employees must be covered against the weather and equipped and operated according to applicable state of Washington motor vehicle laws.

(14) All operators of crew vehicles must be experienced drivers and have a valid operator's license for the class of vehicle being operated.

(15) Dump trucks must only be used in an emergency to transport workers and have adequate safety chains or locking devices that eliminate the possibility of the body of the truck being raised while employees are riding in the truck. "Emergency" means any unforeseen circumstances that call for immediate action when danger to life or danger from fire exists.

(16) An effective means of signaling must be provided for communication between the driver and the passengers being transported when they are in separate compartments.

(17) The passenger load limit of a crew vehicle must not exceed the seating capacity of the vehicle.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-59330 Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters.

(1) Before starting the boat motor, any spilled fuel must be removed and vapors must be exhausted from any area in which they may accumulate.

(2) The bilge area must be kept clean and oil, grease, fuel, or highly combustible materials must not be allowed to accumulate.

(3) Adequate ventilation equipment must be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment must be provided and used for the cabin area on enclosed-cabin boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting must be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated between sunset to sunrise, or in conditions of restricted visibility, must display navigation lights as required by the United States Coast Guard. Searchlights or floodlights must be provided for safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) On craft used by employees wearing calked shoes, all areas where employees must stand or walk must be made of or be covered with wood or other suitable matting or nonslip material. The covering must be maintained in good condition.

(7) Each boat must:

(a) Be provided with a fire extinguisher; and

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(b) Have a life ring with at least fifty feet of one-fourth inch line attached.

PROPOSED

Note: On log broncs, boomscooters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

(8) 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, must be provided. The life rings must be spaced at intervals not exceeding two hundred feet and must be easily visible and readily accessible.

(a) 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 must be provided in the immediate vicinity of the work assigned.

(b) Lines attached to life rings on fixed installations must be at least ninety feet long, 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 must be at least fifty feet long.

(c) Life rings must be United States Coast Guard approved thirty-inch size.

(d) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(e) Where work is assigned over water where the vertical drop from an accidental fall would exceed fifty feet, special arrangements must be made with and approved by the department of labor and industries prior to such assignment.

(9) Log broncs, boomscooters, and boomboats must not be loaded with employees or equipment in a way that adversely affects stability or seaworthiness.

(10) Boats must not be operated at excessive speed or handled recklessly.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60083 Cranes and derricks. (1) Scope.

(a) This section through WAC 296-56-60103 applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) Ratings.

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables shall have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart shall include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer shall be included.

(b) The manufacturer's (or design) rated loads for the conditions of use shall not be exceeded.

(c) Designated working loads shall not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis shall be performed or approved by a person accredited for certifying the equipment under WAC 296-56-60093. Cranes shall conform with the manufacturer's specifications or any current ANSI standards that apply. Engineering design analysis shall be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating shall be carried out.

(3) Radius indicator. When the rated load varies with the boom radius, the crane or derrick shall be fitted with a boom angle or radius indicator visible to the operator.

(4) Prohibited usage.

(a) Equipment shall not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation shall be used.

(5) Protective devices.

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts shall be securely guarded.

(b) Crane hooks shall be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook shall have a positive safety latch to prevent rollouts.

(6) General.

(a) Operating controls.

(i) Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(ii) All crane controls shall operate in a uniform manner within a given port.

(iii) Overhead bridge and container gantry crane operating control levers shall be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) Booms. Cranes with elevatable booms and without operable automatic limiting devices shall be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) Foot pedals. Foot pedals shall have a nonskid surface.

(d) Access. Ladders, stairways, stanchions, grab irons, foot steps or equivalent means shall be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks shall be of rigid construction, and shall be capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders shall comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes shall be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign shall be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) shall be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) Operator's station. The cab, controls, and mechanism of the equipment shall be so arranged that the operator has a clear view of the load or signal person, when one is used. Cab glass, when used, shall be safety plate glass or equivalent and good visibility shall be maintained through the glass. Clothing, tools and equipment shall be stored so as not to interfere with access, operation, or the operator's view.

(f) A seat (lap) belt, meeting the requirements of 49 CFR 571.208-210 for a Type 1 seat belt assembly, shall be installed on the operator's seat of high speed container gantry cranes where the seat trolleys.

(g) Counterweights or ballast. Cranes shall be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight shall be located and secured only as provided in the manufacturer's or design specifications, which shall be available.

(h) Outriggers. Outriggers shall be used according to the manufacturer's specifications or design data, which shall be available. Floats, when used, shall be securely attached to the outriggers. Wood blocks or other support shall be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(i) Exhaust gases. Engine exhaust gases shall be discharged away from the normal position of crane operating personnel.

(j) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(k) Fire extinguisher.

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent shall be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents shall be used.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(l) Rope on drums. At least three full turns of rope shall remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope shall be secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(m) Assembly or disassembly of boom sections. Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness shall be blocked to prevent dropping of the boom or boom sections.

(n) Brakes.

(i) Each independent hoisting unit of a crane shall be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, shall, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units shall have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically-controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means shall be capable of maintaining safe lowering speeds of rated loads.

(o) Each crane or derrick shall be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses shall be illuminated at a minimum of two candle power.

(p) Light fixtures connected to the boom, gantry legs, or machinery house shall be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(q) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(r) On all rail gantry cranes, truck guards shall extend on the ends of the trucks, close to the top of the rail to prevent worker's feet from being caught between the rail and wheel. This subsection does not apply if rail sweeps are present.

(s) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) shall be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(t) Gantry cranes shall be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) Rail-mounted cranes (excluding locomotive types).

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) Rated load marking. The rated loads of bridge cranes shall be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist shall have its rated load marked on it or on its load block. Marking shall be legible from the ground level.

(c) Wind-indicating devices.

(i) Each rail-mounted bridge and portal crane located outside of an enclosed structure shall be fitted with an operable wind-indicating device.

(ii) The wind indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel shall be stopped; and

(B) The crane shall be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel shall be moved clear of the vessel if safe to do so; and

(B) The crane shall be secured against travel, using all available means of securing.

(e) The employer shall monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) Stops and bumpers.

(i) The ends of all tracks shall be equipped with stops or bumpers. If a stop engages the tread of the wheel, it shall be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane or trolley shall be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks shall be equipped with personnel-deflecting guards.

(h) Pedestrian clearance. If the track area is used for employee passage or for work, a minimum clearance of three feet (0.91 m) shall be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area shall not be used and shall be marked and identified.

(i) Warning devices. Rail-mounted cranes shall be equipped with an effective audible and visible travel warning device which shall be used to warn employees who may be in the path of the moving crane.

(j) Communications.

(i) Means of communication shall be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity shall be equipped with a voice hailing device (PA system) from the operator to the ground, audible within one hundred feet.

(k) Limit switch bypass systems shall be secured during all cargo operations. Such bypass systems shall not be used except in an emergency or during noncargo handling operations such as stowing cranes or derricks or performing

repairs. When a situation requiring the use of a bypass system or the readjustment of a limit switch arises, it shall be done only under the direction of a crane mechanic.

(l) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes, derricks, and crane operations.

(m) Signal persons. A signal person shall be required when a crane operator's visibility is obstructed. When a signal person is required to transmit hand signals, they shall be in such a position that the operator can plainly see the signals.

(n) Signals. All operators and signal persons shall use standard signals as illustrated for longshore crane operations. (See Appendices C and D, at the end of this chapter.)

(o) Signal person for power units. Where power units, such as cranes and winches are utilized and signaling is required, the operator shall be instructed as to who is authorized to give signals. The operator shall take signals only from such authorized person. In case of emergency, any worker shall be authorized to give a stop signal.

(i) No draft shall be hoisted unless the winch or crane operator can clearly see the draft itself or see the signals of any signal person associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(p) Landing loads. Persons assisting in landing a load shall face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) Stabilizing of locomotive cranes. Loads may be hoisted by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) Operations.

(a) Use of cranes together. When two or more cranes hoist a load in unison, a designated person shall direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) Guarding of swing radius. Accessible areas within the swing radius of the body of a revolving crane shall be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) Securing mobile crane components in transit. The crane's superstructure and boom shall be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment shall be secured.

(d) Unattended cranes. The following steps shall be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, shall be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches shall be disengaged;

(iii) The power supply shall be shut off;

(iv) The crane shall be secured against accidental travel; and

(v) The boom shall be lowered or secured against movement.

(e) Operating near electric power lines.

(i) Clearance. Unless electrical distribution and transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load shall be ten feet (3.05 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load shall be either 10 feet (3.05 m) plus 0.4 inch (10.16 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance shall be a minimum of four feet (1.22 m).

(ii) Boom guards. Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they shall not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) Determination of energized lines. Any overhead line shall be presumed to be energized until the owner of the line indicates that it is not energized.

(10) Protection for employees being hoisted.

(a) No employee shall be hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123 (3). If equipped with open railings, the platform shall be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which shall not be exceeded, and the weight of the platform itself;

(D) Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel shall operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel shall be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees shall be inspected for defects before each day's use and shall be removed from service if defective.

(e) Employees being hoisted shall remain in continuous sight of and communication with the operator or signal person.

(f) Operators shall remain at the controls when employees are hoisted.

(g) Cranes shall not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders shall be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings shall be fitted with a means of closure, such as chains with hooks. Existing railings shall be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 shall be forty-two inches (1.07 m), plus or minus three inches (7.62 cm), in height. The provisions of (a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks shall be used.

(j) Employees shall not be hoisted on intermodal container spreaders while a load is engaged.

Additional requirements are located in WAC 296-24-23533.

(11) Routine inspection.

(a) Designated persons shall visually inspect each crane and derrick on each day of use for defects in functional operating components and shall report any defect found to the employer. The employer shall inform the operator of the findings.

(b) A designated person shall thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard shall be corrected before further use. Repairs shall be performed only by designated persons.

(d) A record of monthly inspections shall be maintained for six months in or on the crane or derrick or at the terminal.

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

WAC 296-56-60171 General requirements. (1) Adequate lighting shall be provided at each landing and in the shaftway.

(2) A sign bearing the following information shall be conspicuously posted within the car:

(a) Maximum capacity one person;

(b) Total load limit in pounds;

(c) For authorized personnel use only.

(3) A fire extinguisher in proper working condition shall be available in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

PROPOSED

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

WAC 296-56-60207 General requirements. (1) No person other than an employee or duly authorized person shall ride or be permitted to ride in the car.

(2) Escape ladders shall be installed extending the full length of the hoistway and shall be located in a position so that, in an emergency, a person can safely transfer from the car platform to the ladder. An "IMPAIRED CLEARANCE" sign shall be posted at the bottom of a ladder when the face of the ladder is less than thirty inches from any structure.

(3) An automatic safety dog or device which will prevent the car from leaving the landing until manually released by the operator shall be installed at the bottom landing.

(4) A fire extinguisher in proper working condition shall be available in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

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

WAC 296-62-05209 Access to records. (1) General.

(a) Whenever an employee or designated representative requests access to a record, the employer shall assure that access is provided in a reasonable time, place, and manner. If the employer cannot reasonably provide access to the record within fifteen working days, the employer shall within fifteen working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available.

(b) The employer may require of the requester only such information as should be readily known to the requester and which may be necessary to locate or identify the records being requested (e.g., dates and locations where the employee worked during the time period in question).

(c) Whenever an employee or designated representative requests a copy of a record, the employer shall assure that either:

(i) A copy of the record is provided without cost to the employee or representative;

(ii) The necessary mechanical copying facilities (e.g., photocopying) are made available without cost to the employee or representative for copying the record;

(iii) The record is loaned to the employee or representative for a reasonable time to enable a copy to be made; or

(iv) In the case of an original x-ray, the employer may restrict access to on-site examination or make other suitable arrangements for the temporary loan of the x-ray.

(d) Whenever a record has been previously provided without cost to an employee or designated representative, the employer may charge reasonable, nondiscriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the employee or designated representative for additional copies of the record, except that:

(i) An employer shall not charge for an initial request for a copy of new information that has been added to a record which was previously provided; and

(ii) An employer shall not charge for an initial request by a recognized or certified collective bargaining agent for a copy of an employee exposure record or an analysis using exposure or medical records.

(e) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

(2) Employee and designated representative access.

(a) Employee exposure records. Except as limited by WAC ((296-62-05211)) 296-62-053, each employer shall, upon request, assure the access of each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, an exposure record relevant to the employee consists of:

(i) A record which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is or has been exposed;

(ii) In the absence of such directly relevant records, such records of other employees with past or present job duties or working conditions related to or similar to those of the employee to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents to which the employee is or has been subjected; and

(iii) Exposure records to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents at workplaces or under working conditions to which the employee is being assigned or transferred.

(iv) Requests by designated representatives for unconsented access to employee exposure records shall be in writing and shall specify with reasonable particularity:

(A) The records requested to be disclosed; and

(B) The occupational health need for gaining access to these records.

(b) Employee medical records.

(i) Each employer shall, upon request, assure the access of each employee to employee medical records of which the employee is the subject, except as provided in (b)(iv) of this subsection.

(ii) Each employer shall, upon request, assure the access of each designated representative to the employee medical records of any employee who has given the designated representative specific written consent. Appendix A to this section contains a sample form which may be used to establish specific written consent for access to employee medical records.

(iii) Whenever access to employee medical records is requested, a physician representing the employer may recommend that the employee or designated representative:

(A) Consult with the physician for the purposes of reviewing and discussing the records requested;

(B) Accept a summary of material facts and opinions in lieu of the records requested; or

(C) Accept release of the requested records only to a physician or other designated representative.

(iv) Whenever an employee requests access to his or her employee medical records, and a physician representing the employer believes that direct employee access to information contained in the records regarding a specific diagnosis of a

PROPOSED

terminal illness or a psychiatric condition could be detrimental to the employee's health, the employer may inform the employee that access will only be provided to a designated representative of the employee having specific written consent, and deny the employee's request for direct access to this information only. Where a designated representative with specific written consent requests access to information so withheld, the employer shall assure the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee.

(v) A physician, nurse, or other responsible health care personnel maintaining employee medical records may delete from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

(c) Analyses using exposure or medical records.

(i) Each employer shall, upon request, assure the access of each employee and designated representative to each analysis using exposure or medical records concerning the employee's working conditions or workplace.

(ii) Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.) the employer shall assure that personal identifiers are removed before access is provided. If the employer can demonstrate that removal of personally identifiable portions of the analysis need not be provided.

(3) Department access.

(a) Each employer shall upon request, and without derogation of any rights under the Constitution or the Washington Industrial Safety and Health Act, that the employer chooses to exercise, assure the prompt access of representatives of the director of the department of labor and industries to employee exposure and medical records and to analyses using exposure or medical records. Rules of agency practice and procedures governing WISHA access to employee medical records are contained in this chapter.

(b) Whenever the department seeks access to personally identifiable employee medical information by presenting to the employer a written access order, the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen working days.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-62-07619 Hygiene facilities and practices.

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees, who must wear protective clothing, or who must use protective equipment because of their exposure to MDA.

(b) Change rooms must be equipped with separate storage for protective clothing and equipment and for street clothes which prevents MDA contamination of street clothes.

(2) Showers.

(a) The employer shall ensure that employees, who work in areas where there is the potential for exposure resulting from airborne MDA (e.g., particulates or vapors) above the action level, shower at the end of the work shift.

(i) Shower facilities required by this section shall comply with WAC ((296-24-12009(3))) 296-24-12010.

(ii) The employer shall ensure that employees who are required to shower pursuant to the provisions contained herein do not leave the workplace wearing any protective clothing or equipment worn during the work shift.

(b) Where dermal exposure to MDA occurs, the employer shall ensure that materials spilled or deposited on the skin are removed as soon as possible by methods which do not facilitate the dermal absorption of MDA.

(3) Lunch facilities.

(a) Availability and construction.

(i) Whenever food or beverages are consumed at the worksite and employees are exposed to MDA at or above the PEL or are subject to dermal exposure to MDA the employer shall provide readily accessible lunch areas.

(ii) Lunch areas located within the workplace and in areas where there is the potential for airborne exposure to MDA at or above the PEL shall have a positive pressure, temperature controlled, filtered air supply.

(iii) Lunch areas may not be located in areas within the workplace where the potential for dermal exposure to MDA exists.

(b) The employer shall ensure that employees who have been subjected to dermal exposure to MDA or who have been exposed to MDA above the PEL wash their hands and faces with soap and water prior to eating, drinking, smoking, or applying cosmetics.

(c) The employer shall ensure that employees exposed to MDA do not enter lunch facilities with MDA-contaminated protective work clothing or equipment.

AMENDATORY SECTION (Amending WSR 97-01-079, filed 12/17/96, effective 3/1/97)

WAC 296-62-07719 Hygiene facilities and practices.

(1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in Class III and Class IV asbestos work, to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

PROPOSED

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC ((~~296-24-12009(3)~~) 296-24-12010).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements in addition to the other provisions of WAC 296-62-07719 for construction work defined in WAC 296-155-012 and for all shipyard work defined in WAC 296-304-010.

(a) Requirements for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM.

(i) Decontamination areas: The employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of such employees. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(A) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective equipment.

(B) Shower area. Shower facilities shall be provided which comply with WAC ((~~296-24-12009(3)~~) 296-24-12010), unless the employer can demonstrate that they are not feasible. The showers shall be adjacent both to the equipment room and the clean room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean room, or where the work is performed outdoors, the employers shall ensure that employees:

(I) Remove asbestos contamination from their worksuits in the equipment room using a HEPA vacuum before proceeding to a shower that is not adjacent to the work area; or

(II) Remove their contaminated worksuits in the equipment room, then don clean worksuits, and proceed to a shower that is not adjacent to the work area.

(C) Clean change room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(ii) Decontamination area entry procedures. The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(D) Before entering the regulated area, the employer shall ensure that employees pass through the equipment room.

(iii) Decontamination area exit procedures. The employer shall ensure that:

(A) Before leaving the regulated area, employees shall remove all gross contamination and debris from their protective clothing;

(B) Employees shall remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers;

(C) Employees shall not remove their respirators in the equipment room;

(D) Employees shall shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing the respirators;

(E) After showering, employees shall enter the clean room before changing into street clothes.

(b) Requirements for Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation.

(i) The employer shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by a impermeable drop cloth on the floor or horizontal working surface.

(ii) The area must be of sufficient size as to accommodate cleaning of equipment and removing personal protective equipment without spreading contamination beyond the area (as determined by visible accumulations).

(iii) Work clothing must be cleaned with a HEPA vacuum before it is removed.

(iv) All equipment and surfaces of containers filled with ACM must be cleaned prior to removing them from the equipment room or area.

(v) The employer shall ensure that employees enter and exit the regulated area through the equipment room or area.

(c) Requirements for Class IV work. Employers shall ensure that employees performing Class IV work within a regulated area comply with hygiene practice required of employees performing work which has a higher classification within that regulated area. Otherwise employers of employees cleaning up debris and material which is TSI or surfacing ACM or identified as PACM shall provide decontamination facilities for such employees which are required by WAC 296-62-07719 (3)(b).

(d) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

(e) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723 shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste. The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be

decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

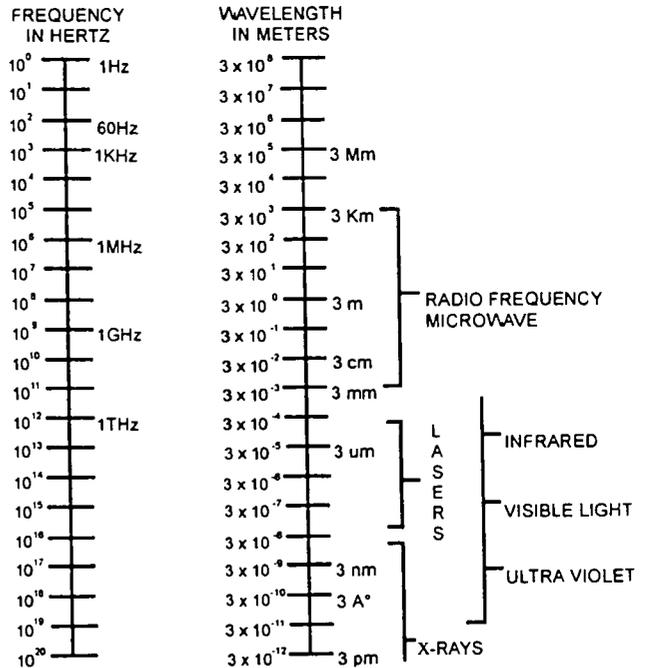
(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

ELECTROMAGNETIC SPECTRUM

Figure 1



PROPOSED

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

WAC 296-62-09001 Definitions. (1) "Physical agents" shall mean, but are not limited to: Illumination, ionizing radiation, nonionizing radiation, pressure, vibration, temperature and humidity, and noise.

(2) ~~("Illumination" means radiant energy evaluated according to its capacity to produce visual sensation.~~

(3) "Nonionizing radiation" as related to industrial sources, means electromagnetic radiation within the spectral range of approximately 200 nanometers to 3 kilometers including ultraviolet, visible, infrared and radiofrequency/microwave radiation. The electromagnetic spectrum is shown graphically in Figure 1 below.

~~((4))~~ (3) Pressure is a barometric force. Positive pressure would be that above 14.7 lbs. per square inch absolute and negative pressure would be that below 14.7 lbs. per square inch absolute. 14.7 lbs. per square inch equals 760 mm. mercury.

~~((5))~~ (4) "Vibration" means rapid movement to and fro or oscillating movement.

~~((6))~~ (5) "Noise" means unwanted sound or loud discordant or disagreeable sound or sounds.

~~((7))~~ (6) "Temperature" means the degree of hotness or coldness measured by use of a thermometer.

~~((8))~~ (7) "Radiant heat" means infrared radiation emitted from hot surfaces.

~~((9))~~ (8) "Relative humidity" means the percent of moisture in the air compared to the maximum amount of moisture the air could contain at the same temperature.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-31335 Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer must provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(1) Showers must be provided and must meet the requirements of WAC ~~((296-24-12009(3)))~~ 296-24-12010.

(2) Change rooms must be provided and must meet the requirements of WAC 296-24-12011. Change rooms must consist of two separate change areas separated by the shower area required in (1) of this subsection. One change area, with an exit leading off the worksite, must provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, must provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(3) Showers and change rooms must be located in areas where exposures are below the permissible exposure limits and published exposure levels. If this cannot be accomplished, then a ventilation system must be provided that will supply air that is below the permissible exposure limits and published exposure levels.

(4) Employers must assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-62-40025 Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory). (1) Table of contents.

- (a) General principles.
 - (i) Minimize all chemical exposures.
 - (ii) Avoid underestimation of risk.
 - (iii) Provide adequate ventilation.
 - (iv) Institute a chemical hygiene program.
 - (v) Observe the PELs and TLVs.
- (b) Responsibilities.
 - (i) Chief executive officer.
 - (ii) Supervisor of administrative unit.
 - (iii) Chemical hygiene officer.
 - (iv) Laboratory supervisor.
 - (v) Project director.
 - (vi) Laboratory worker.
- (c) The laboratory facility.
 - (i) Design.
 - (ii) Maintenance.
 - (iii) Usage.
 - (iv) Ventilation.
- (d) Components of the chemical hygiene plan.
 - (i) Basic rules and procedures.
 - (ii) Chemical procurement, distribution, and storage.
 - (iii) Environmental monitoring.
 - (iv) Housekeeping, maintenance, and inspections.
 - (v) Medical program.
 - (vi) Personal protective apparel and equipment.
 - (vii) Records.
 - (viii) Signs and labels.
 - (ix) Spills and accidents.
 - (x) Training and information.
 - (xi) Waste disposal.
- (e) General procedures for working with chemicals.
 - (i) General rules for all laboratory work with chemicals.

- (ii) Allergens and embryotoxins.
- (iii) Chemicals of moderate chronic or high acute toxicity.
- (iv) Chemicals of high chronic toxicity.
- (v) Animal work with chemicals of high chronic toxicity.
- (f) Safety recommendations.
- (g) Material safety data sheets.
- (2) Foreword.

(a) As guidance for each employer's development of an appropriate laboratory chemical hygiene plan, the following nonmandatory recommendations are provided. They were extracted from "Prudent Practices for Handling Hazardous Chemicals in Laboratories" (referred to below as "Prudent Practices"), which was published in 1981 by the National Research Council and is available from the National Academy Press, 2101 Constitution Ave., N.W., Washington DC 20418.

(b) "Prudent practices" is cited because of its wide distribution and acceptance and because of its preparation by members of the laboratory community through the sponsorship of the National Research Council. However, none of the recommendations given here will modify any requirements of the laboratory standard. This appendix merely presents pertinent recommendations from "prudent practices," organized into a form convenient for quick reference during operation of a laboratory facility and during development and application of a chemical hygiene plan. Users of this appendix should consult "prudent practices" for a more extended presentation and justification for each recommendation.

(c) "Prudent practices" deals with both safety and chemical hazards while the laboratory standard is concerned primarily with chemical hazards. Therefore, only those recommendations directed primarily toward control of toxic exposures are cited in this appendix, with the term "chemical hygiene" being substituted for the word "safety." However, since conditions producing or threatening physical injury often pose toxic risks as well, page references concerning major categories of safety hazards in the laboratory are given in section F.

(d) The recommendations from "prudent practices" have been paraphrased, combined, or otherwise reorganized, and headings have been added. However, their sense has not been changed.

(e) Corresponding sections of the standard and this appendix.

(f) The following table is given for the convenience of those who are developing a chemical hygiene plan which will satisfy the requirements of WAC 296-62-40009. It indicates those sections of this appendix which are most pertinent to each of the sections of WAC 296-62-40009 and related sections.

Subsection and Topic in Laboratory Standard	Relevant Appendix Section
(3)(a) Standard operating procedure for handling toxic chemicals.	(c)(d)(e)
(3)(b) Criteria to be used for implementation of measures to reduce exposures.	(d)
(3)(c) Fume hood performance.	(c)(iv)(B)
(3)(d) Employee information and training (including emergency procedures).	(d)(x), (d)(ix)
(3)(e) Requirements for prior approval of laboratory activities.	(e)(ii)(B), (e)(v)(B)
(3)(f) Medical consultation and medical examinations.	(d)(v), (e)(v)(G)
(3)(g) Chemical hygiene responsibilities.	(b)
(3)(h) Special precautions for work with particularly hazardous substances.	(e)(ii)(iii)(v)

(3) In this appendix, those recommendations directed primarily at administrators and supervisors are given in sections (a) through (d). Those recommendations of primary concern to employees who are actually handling laboratory chemicals are given in section E. (Reference to page numbers in "prudent practices" are given in parentheses.)

(a) General principles for work with laboratory chemicals in addition to the more detailed recommendations listed below in sections (b) through (e), "prudent practices" expresses certain general principles, including the following:

(i) It is prudent to minimize all chemical exposures. Because few laboratory chemicals are without hazards, general precautions for handling all laboratory chemicals should be adopted, rather than specific guidelines for particular chemicals (2, 10). Skin contact with chemicals should be avoided as a cardinal rule (198).

(ii) Avoid underestimation of risk. Even for substances of no known significant hazard, exposure should be minimized; for work with substances which present special hazards, special precautions should be taken (10, 37, 38). One should assume that any mixture will be more toxic than its most toxic component (30, 103) and that all substances of unknown toxicity are toxic (3, 34).

(iii) Provide adequate ventilation. The best way to prevent exposure to airborne substances is to prevent their escape into the working atmosphere by use of hoods and other ventilation devices (32, 198).

(iv) Institute a chemical hygiene program. A mandatory chemical hygiene program designed to minimize exposures is needed; it should be a regular, continuing effort, not merely a standby or short-term activity (6, 11). Its recommendations should be followed in academic teaching laboratories as well as by full-time laboratory workers (13).

(v) Observe the PELs, TLVs. The permissible exposure limits of WISHA and the threshold limit values of the American Conference of Governmental Industrial Hygienists should not be exceeded (13).

(b) Chemical hygiene responsibilities. Responsibility for chemical hygiene rests at all levels (6, 11, 21) including the:

(i) Chief executive officer, who has ultimate responsibility for chemical hygiene within the institution and must, with other administrators, provide continuing support for institutional chemical hygiene (7, 11).

(ii) Supervisor of the department or other administrative unit, who is responsible for chemical hygiene in that unit (7).

(iii) Chemical hygiene officer(s), whose appointment is essential (7) and who must:

(A) Work with administrators and other employees to develop and implement appropriate chemical hygiene policies and practices (7);

(B) Monitor procurement, use, and disposal of chemicals used in the lab (8);

(C) See that appropriate audits are maintained (8);

(D) Help project directors develop precautions and adequate facilities (10);

(E) Know the current legal requirements concerning regulated substances (50); and

(F) Seek ways to improve the chemical hygiene program (8, 11).

(iv) Laboratory supervisor, who has overall responsibility for chemical hygiene in the laboratory (21) including responsibility to:

(A) Ensure that workers know and follow the chemical hygiene rules, that protective equipment is available and in working order, and that appropriate training has been provided (21, 22);

(B) Provide regular, formal chemical hygiene and house-keeping inspections including routine inspections of emergency equipment (21, 171);

(C) Know the current legal requirements concerning regulated substances (50, 231);

(D) Determine the required levels of protective apparel and equipment (156, 160, 162); and

(E) Ensure that facilities and training for use of any material being ordered are adequate (215).

(v) Project director or director of other specific operation, who has primary responsibility for chemical hygiene procedures for that operation (7).

(vi) Laboratory worker, who is responsible for:

(A) Planning and conducting each operation in accordance with the institutional chemical hygiene procedures (7, 21, 22, 230); and

(B) Developing good personal chemical hygiene habits (22).

(c) The laboratory facility:

(i) Design. The laboratory facility should have:

PROPOSED

(A) An appropriate general ventilation system (see C4 below) with air intakes and exhausts located so as to avoid intake of contaminated air (194);

(B) Adequate, well-ventilated stockrooms/storerooms (218, 219);

(C) Laboratory hoods and sinks (12, 162);

(D) Other safety equipment including eyewash fountains and drench showers (162, 169); and

(E) Arrangements for waste disposal (12, 240).

(ii) Maintenance. Chemical-hygiene-related equipment (hoods, incinerator, etc.) should undergo continuing appraisal and be modified if inadequate (11, 12).

(iii) Usage. The work conducted (10) and its scale (12) must be appropriate to the physical facilities available and, especially, to the quality of ventilation (13).

(iv) Ventilation.

(A) General laboratory ventilation. This system should: Provide a source of air for breathing and for input to local ventilation devices (199); it should not be relied on for protection from toxic substances released into the laboratory (198); ensure that laboratory air is continually replaced, preventing increase of air concentrations of toxic substances during the working day (194); direct air flow into the laboratory from nonlaboratory areas and out to the exterior of the building (194).

(B) Hoods. A laboratory hood with 2.5 linear feet of hood space per person should be provided for every 2 workers if they spend most of their time working with chemicals (199); each hood should have a continuous monitoring device to allow convenient confirmation of adequate hood performance before use (200, 209). If this is not possible, work with substances of unknown toxicity should be avoided (13) or other types of local ventilation devices should be provided (199). (See pp. 201-206 for a discussion of hood design, construction, and evaluation.)

(C) Other local ventilation devices. Ventilated storage cabinets, canopy hoods, snorkels, etc., should be provided as needed (199). Each canopy hood and snorkel should have a separate exhaust duct (207).

(D) Special ventilation areas. Exhaust air from glove boxes and isolation rooms should be passed through scrubbers or other treatment before release into the regular exhaust system (208). Cold rooms and warm rooms should have provisions for rapid escape and for escape in the event of electrical failure (209).

(E) Modifications. Any alteration of the ventilation system should be made only if thorough testing indicates that worker protection from airborne toxic substances will continue to be adequate (12, 193, 204).

(F) Performance. Rate: 4-12 room air changes/hour is normally adequate general ventilation if local exhaust systems such as hoods are used as the primary method of control (194).

(G) Quality. General air flow should not be turbulent and should be relatively uniform throughout the laboratory, with no high velocity or static areas (194, 195); airflow into and within the hood should not be excessively turbulent (200); hood face velocity should be adequate (typically 60-100 fpm) (200, 204).

(H) Evaluation. Quality and quantity of ventilation should be evaluated on installation (202), regularly monitored (at least every 3 months) (6, 12, 14, 195), and reevaluated whenever a change in local ventilation devices is made (12, 195, 207). See pp. 195-198 for methods of evaluation and for calculation of estimated airborne contaminant concentrations.

(d) Components of the chemical hygiene plan:

(i) Basic rules and procedures (recommendations for these are given in section (e), below).

(ii) Chemical procurement, distribution, and storage.

(A) Procurement. Before a substance is received, information on proper handling, storage, and disposal should be known to those who will be involved (215, 216). No container should be accepted without an adequate identifying label (216). Preferably, all substances should be received in a central location (216).

(B) Stockrooms/storerooms. Toxic substances should be segregated in a well-identified area with local exhaust ventilation (221). Chemicals which are highly toxic (227) or other chemicals whose containers have been opened should be in unbreakable secondary containers (219). Stored chemicals should be examined periodically (at least annually) for replacement, deterioration, and container integrity (218-19).

(C) Stockrooms/storerooms should not be used as preparation or repackaging areas, should be open during normal working hours, and should be controlled by one person (219).

(D) Distribution. When chemicals are hand carried, the container should be placed in an outside container or bucket. Freight-only elevators should be used if possible (223).

(E) Laboratory storage. Amounts permitted should be as small as practical. Storage on bench tops and in hoods is inadvisable. Exposure to heat or direct sunlight should be avoided. Periodic inventories should be conducted, with unneeded items being discarded or returned to the storeroom/stockroom (225-6, 229).

(iii) Environmental monitoring. Regular instrumental monitoring of airborne concentrations is not usually justified or practical in laboratories but may be appropriate when testing or redesigning hoods or other ventilation devices (12) or when a highly toxic substance is stored or used regularly (e.g., 3 times/week) (13).

(iv) Housekeeping, maintenance, and inspections.

(A) Cleaning. Floors should be cleaned regularly (24).

(B) Inspections. Formal housekeeping and chemical hygiene inspections should be held at least quarterly (6, 21) for units which have frequent personnel changes and semiannually for others; informal inspections should be continual (21).

(C) Maintenance. Eye wash fountains should be inspected at intervals of not less than 3 months (6). Respirators for routine use should be inspected periodically by the laboratory supervisor (169). Safety showers should be tested routinely (169). Other safety equipment should be inspected regularly. (E.g., every 3-6 months) (6, 24, 171). Procedures to prevent restarting of out-of-service equipment should be established (25).

(D) Passageways. Stairways and hallways should not be used as storage areas (24). Access to exits, emergency equipment, and utility controls should never be blocked (24).

(v) Medical program.

(A) Compliance with regulations. Regular medical surveillance should be established to the extent required by regulations (12).

(B) Routine surveillance. Anyone whose work involves regular and frequent handling of toxicologically significant quantities of a chemical should consult a qualified physician to determine on an individual basis whether a regular schedule of medical surveillance is desirable (11, 50).

(C) First aid. Personnel trained in first aid should be available during working hours and an emergency room with medical personnel should be nearby (173). See pp. 176-178 for description of some emergency first-aid procedures.

(vi) Protective apparel and equipment. These should include for each laboratory:

(A) Protective apparel compatible with the required degree of protection for substances being handled (158-161);

(B) An easily accessible drench-type safety shower (162, 169);

(C) An eyewash fountain (162);

(D) A fire extinguisher (162-164);

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(E) Respiratory protection (164-9), fire alarm and telephone for emergency use (162) should be available nearby; and

(F) Other items designated by the laboratory supervisor (156, 160).

(vii) Records.

(A) Accident records should be written and retained (174).

(B) Chemical hygiene plan records should document that the facilities and precautions were compatible with current knowledge and regulations (7).

(C) Inventory and usage records for high-risk substances should be kept as specified in sections E3e below.

(D) Medical records should be retained by the institution in accordance with the requirements of state and federal regulations (12).

(viii) Signs and labels. Prominent signs and labels of the following types should be posted:

(A) Emergency telephone numbers of emergency personnel/facilities, supervisors, and laboratory workers (28);

(B) Identity labels, showing contents of containers (including waste receptacles) and associated hazards (27, 48);

(C) Location signs for safety showers, eyewash stations, other safety and first aid equipment, exits (27) and areas where food and beverage consumption and storage are permitted (24); and

(D) Warnings at areas or equipment where special or unusual hazards exist (27).

(ix) Spills and accidents.

(A) A written emergency plan should be established and communicated to all personnel; it should include procedures for ventilation failure (200), evacuation, medical care, reporting, and drills (172).

(B) There should be an alarm system to alert people in all parts of the facility including isolation areas such as cold rooms (172).

(C) A spill control policy should be developed and should include consideration of prevention, containment, cleanup, and reporting (175).

(D) All accidents or near accidents should be carefully analyzed with the results distributed to all who might benefit (8, 28).

(x) Information and training program.

(A) Aim: To assure that all individuals at risk are adequately informed about the work in the laboratory, its risks, and what to do if an accident occurs (5, 15).

(B) Emergency and personal protection training: Every laboratory worker should know the location and proper use of available protective apparel and equipment (154, 169).

(C) Some of the full-time personnel of the laboratory should be trained in the proper use of emergency equipment and procedures (6).

(D) Such training as well as first-aid instruction should be available to (154) and encouraged for (176) everyone who might need it.

(E) Receiving and stockroom/storeroom personnel should know about hazards, handling equipment, protective apparel, and relevant regulations (217).

(F) Frequency of training: The training and education program should be a regular, continuing activity—not simply an annual presentation (15).

(G) Literature/consultation: Literature and consulting advice concerning chemical hygiene should be readily available to laboratory personnel, who should be encouraged to use these information resources (14).

(xi) Waste disposal program.

(A) Aim: To assure that minimal harm to people, other organisms, and the environment will result from the disposal of waste laboratory chemicals (5).

(B) Content (14, 232, 233, 240): The waste disposal program should specify how waste is to be collected, segregated, stored, and transported and include consideration of what materials can be incinerated. Transport from the institution must be in accordance with DOT regulations (244).

(C) Discarding chemical stocks: Unlabeled containers of chemicals and solutions should undergo prompt disposal; if partially used, they should not be opened (24, 27).

(D) Before a worker's employment in the laboratory ends, chemicals for which that person was responsible should be discarded or returned to storage (226).

(E) Frequency of disposal: Waste should be removed from laboratories to a central waste storage area at least once per week and from the central waste storage area at regular intervals (14).

(F) Method of disposal: Incineration in an environmentally acceptable manner is the most practical disposal method for combustible laboratory waste (14, 238, 241).

(G) Indiscriminate disposal by pouring waste chemicals down the drain (14, 231, 242) or adding them to mixed refuse for landfill burial is unacceptable (14).

(H) Hoods should not be used as a means of disposal for volatile chemicals (40, 200).

(I) Disposal by recycling (233, 243) or chemical decontamination (40, 230) should be used when possible.

(e) Basic rules and procedures for working with chemicals. The chemical hygiene plan should require that laboratory workers know and follow its rules and procedures. In addition to the procedures of the subprograms mentioned above, these should include the general rules following:

(i) General rules. The following should be used for essentially all laboratory work with chemicals:

(A) Accidents and spills—Eye contact: Promptly flush eyes with water for a prolonged period (15 minutes) and seek medical attention (33, 172).

(B) Ingestion: Encourage the victim to drink large amounts of water (178).

(C) Skin contact: Promptly flush the affected area with water (33, 172, 178) and remove any contaminated clothing (172, 178). If symptoms persist after washing, seek medical attention (33).

(D) Clean-up. Promptly clean up spills, using appropriate protective apparel and equipment and proper disposal (24, 33). See pp. 233-237 for specific clean-up recommendations.

(E) Avoidance of "routine" exposure: Develop and encourage safe habits (23); avoid unnecessary exposure to chemicals by any route (23);

(F) Do not smell or taste chemicals (32). Vent apparatus which may discharge toxic chemicals (vacuum pumps, distillation columns, etc.) into local exhaust devices (199).

(G) Inspect gloves (157) and test glove boxes (208) before use.

(H) Do not allow release of toxic substances in cold rooms and warm rooms, since these have contained recirculated atmospheres (209).

(I) Choice of chemicals: Use only those chemicals for which the quality of the available ventilation system is appropriate (13).

(J) Eating, smoking, etc.: Avoid eating, drinking, smoking, gum chewing, or application of cosmetics in areas where laboratory chemicals are present (22, 24, 32, 40); wash hands before conducting these activities (23, 24).

(K) Avoid storage, handling, or consumption of food or beverages in storage areas, refrigerators, glassware, or utensils which are also used for laboratory operations (23, 24, 226).

(L) Equipment and glassware: Handle and store laboratory glassware with care to avoid damage; do not use damaged glassware (25). Use extra care with Dewar flasks and other evacuated glass apparatus; shield or wrap them to contain chemicals and fragments should implosion occur (25). Use equipment only for its designed purpose (23, 26).

(M) Exiting: Wash areas of exposed skin well before leaving the laboratory (23).

(N) Horseplay: Avoid practical jokes or other behavior which might confuse, startle, or distract another worker (23).

(O) Mouth suction: Do not use mouth suction for pipetting or starting a siphon (23, 32).

(P) Personal apparel: Confine long hair and loose clothing (23, 158). Wear shoes at all times in the laboratory but do not wear sandals, perforated shoes, or sneakers (158).

(Q) Personal housekeeping: Keep the work area clean and uncluttered, with chemicals and equipment being prop-

erly labeled and stored; clean up the work area on completion of an operation or at the end of each day (24).

(R) Personal protection: Assure that appropriate eye protection (154-156) is worn by all persons, including visitors, where chemicals are stored or handled (22, 23, 33, 154).

(S) Wear appropriate gloves when the potential for contact with toxic materials exists (157); inspect the gloves before each use, wash them before removal, and replace them periodically (157). (A table of resistance to chemicals of common glove materials is given p. 159.)

(T) Use appropriate (164-168) respiratory equipment when air contaminant concentrations are not sufficiently restricted by engineering controls (164-5), inspecting the respirator before use (169).

(U) Use any other protective and emergency apparel and equipment as appropriate (22, 157-162).

(V) Void use of contact lenses in the laboratory unless necessary; if they are used, inform supervisor so special precautions can be taken (155).

(W) Remove laboratory coats immediately on significant contamination (161).

(X) Planning: Seek information and advice about hazards (7), plan appropriate protective procedures, and plan positioning of equipment before beginning any new operation (22, 23).

(Y) Unattended operations: Leave lights on, place an appropriate sign on the door, and provide for containment of toxic substances in the event of failure of a utility service (such as cooling water) to an unattended operation (27, 128).

(Z) Use of hood: Use the hood for operations which might result in release of toxic chemical vapors or dust (198-9).

(AA) As a rule of thumb, use a hood or other local ventilation device when working with any appreciably volatile substance with a TLV of less than 50 ppm (13).

(BB) Confirm adequate hood performance before use; keep hood closed at all times except when adjustments within the hood are being made (200); keep materials stored in hoods to a minimum and do not allow them to block vents or air flow (200).

(CC) Leave the hood "on" when it is not in active use if toxic substances are stored in it or if it is uncertain whether adequate general laboratory ventilation will be maintained when it is "off" (200).

(DD) Vigilance: Be alert to unsafe conditions and see that they are corrected when detected (22).

(EE) Waste disposal: Assure that the plan for each laboratory operation includes plans and training for waste disposal (230).

(FF) Deposit chemical waste in appropriately labeled receptacles and follow all other waste disposal procedures of the chemical hygiene plan (22, 24).

(GG) Do not discharge to the sewer concentrated acids or bases (231); highly toxic, malodorous, or lachrymatory substances (231); or any substances which might interfere with the biological activity of waste water treatment plants, create fire or explosion hazards, cause structural damage, or obstruct flow (242).

(HH) Working alone: Avoid working alone in a building; do not work alone in a laboratory if the procedures being conducted are hazardous (28).

(ii) Working with allergens and embryotoxins.

(A) Allergens (examples: Diazomethane, isocyanates, bichromates): Wear suitable gloves to prevent hand contact with allergens or substances of unknown allergenic activity (35).

(B) Embryotoxins (34-5) (examples: Organomercurials, lead compounds, formamide): Women of childbearing age shall handle these substances only in a hood whose satisfactory performance has been confirmed, using appropriate protective apparel (especially gloves) to prevent skin contact.

(C) Review each use of these materials with the research supervisor and review continuing uses annually or whenever a procedural change is made.

(D) Store these substances, properly labeled, in an adequately ventilated area in an unbreakable secondary container.

(E) Notify supervisors of all incidents of exposure or spills; consult a qualified physician when appropriate.

(iii) Work with chemicals of moderate chronic or high acute toxicity.

Examples: diisopropylfluorophosphate (41), hydrofluoric acid (43), hydrogen cyanide (45).

(iv) Supplemental rules to be followed in addition to those mentioned above (Procedure B of "prudent practices," pp. 39-41):

(A) Aim: To minimize exposure to these toxic substances by any route using all reasonable precautions (39).

(B) Applicability: These precautions are appropriate for substances with moderate chronic or high acute toxicity used in significant quantities (39).

(C) Location: Use and store these substances only in areas of restricted access with special warning signs (40, 229).

(D) Always use a hood (previously evaluated to confirm adequate performance with a face velocity of at least 60 linear feet per minute) (40) or other containment device for procedures which may result in the generation of aerosols or vapors containing the substance (39); trap released vapors to prevent their discharge with the hood exhaust (40).

(E) Personal protection: Always avoid skin contact by use of gloves and long sleeves (and other protective apparel as appropriate) (39). Always wash hands and arms immediately after working with these materials (40).

(F) Records: Maintain records of the amounts of these materials on hand, amounts used, and the names of the workers involved (40, 229).

(G) Prevention of spills and accidents: Be prepared for accidents and spills (41).

(H) Assure that at least 2 people are present at all times if a compound in use is highly toxic or of unknown toxicity (39).

(I) Store breakable containers of these substances in chemically resistant trays; also work and mount apparatus above such trays or cover work and storage surfaces with removable, absorbent, plastic backed paper (40).

(J) If a major spill occurs outside the hood, evacuate the area; assure that cleanup personnel wear suitable protective apparel and equipment (41).

(K) Waste: Thoroughly decontaminate or incinerate contaminated clothing or shoes (41). If possible, chemically decontaminate by chemical conversion (40).

(L) Store contaminated waste in closed, suitably labeled, impervious containers (for liquids, in glass or plastic bottles half-filled with vermiculite) (40).

(v) Work with chemicals of high chronic toxicity.

Examples: Dimethylmercury and nickel carbonyl (48), benzo-a-pyrene (51), N-nitrosodiethylamine (54), other human carcinogens or substances with high carcinogenic potency in animals (38).

(vi) Further supplemental rules to be followed, in addition to all these mentioned above, for work with substances of known high chronic toxicity (in quantities above a few milligrams to a few grams, depending on the substance) (47). (Procedure A of "Prudent Practices" pp. 47-50).

(A) Access: Conduct all transfers and work with these substances in a "controlled area": A restricted access hood, glove box, or portion of a lab, designated for use of highly toxic substances, for which all people with access are aware of the substances being used and necessary precautions (48).

(B) Approvals: Prepare a plan for use and disposal of these materials and obtain the approval of the laboratory supervisor (48).

(C) Noncontamination/decontamination: Protect vacuum pumps against contamination by scrubbers or HEPA filters and vent them into the hood (49). Decontaminate vacuum pumps or other contaminated equipment, including glassware, in the hood before removing them from the controlled area (49, 50).

(D) Decontaminate the controlled area before normal work is resumed there (50).

(E) Exiting: On leaving a controlled area, remove any protective apparel (placing it in an appropriate, labeled container) and thoroughly wash hands, forearms, face, and neck (49).

(F) Housekeeping: Use a wet mop or a vacuum cleaner equipped with a HEPA filter instead of dry sweeping if the toxic substance was a dry powder (50).

(G) Medical surveillance: If using toxicologically significant quantities of such a substance on a regular basis (e.g., 3 times per week), consult a qualified physician concerning desirability of regular medical surveillance (50).

(H) Records: Keep accurate records of the amounts of these substances stored (229) and used, the dates of use, and names of users (48).

(I) Signs and labels: Assure that the controlled area is conspicuously marked with warning and restricted access signs (49) and that all containers of these substances are appropriately labeled with identity and warning labels (48).

(J) Spills: Assure that contingency plans, equipment, and materials to minimize exposures of people and property in case of accident are available (233-4).

(K) Storage: Store containers of these chemicals only in a ventilated, limited access (48, 227, 229) area in appropriately labeled, unbreakable, chemically resistant, secondary containers (48, 229).

(L) Glove boxes: For a negative pressure glove box, ventilation rate must be at least 2 volume changes/hour and pressure at least 0.5 inches of water (48). For a positive pressure glove box, thoroughly check for leaks before each use (49). In either case, trap the exit gases or filter them through a HEPA filter and then release them into the hood (49).

(M) Waste: Use chemical decontamination whenever possible; ensure that containers of contaminated waste (including washings from contaminated flasks) are transferred from the controlled area in a secondary container under the supervision of authorized personnel (49, 50, 233).

(vii) Animal work with chemicals of high chronic toxicity.

(A) Access: For large scale studies, special facilities with restricted access are preferable (56).

(B) Administration of the toxic substance: When possible, administer the substance by injection or gavage instead of in the diet. If administration is in the diet, use a caging system under negative pressure or under laminar air flow directed toward HEPA filters (56).

(C) Aerosol suppression: Devise procedures which minimize formation and dispersal of contaminated aerosols, including those from food, urine, and feces (e.g., use HEPA filtered vacuum equipment for cleaning, moisten contaminated bedding before removal from the cage, mix diets in closed containers in a hood) (55, 56).

(D) Personal protection: When working in the animal room, wear plastic or rubber gloves, fully buttoned laboratory coat or jumpsuit and, if needed because of incomplete suppression of aerosols, other apparel and equipment (shoe and head coverings, respirator) (56).

(E) Waste disposal: Dispose of contaminated animal tissues and excreta by incineration if the available incinerator can convert the contaminant to nontoxic products (238); otherwise, package the waste appropriately for burial in an EPA-approved site (239).

(f) Safety recommendations. The above recommendations from "prudent practices" do not include those which are directed primarily toward prevention of physical injury rather than toxic exposure. However, failure of precautions against injury will often have the secondary effect of causing toxic exposures. Therefore, we list below page references for recommendations concerning some of the major categories of safety hazards which also have implications for chemical hygiene:

(i) Corrosive agents: (35-6)

(ii) Electrically powered laboratory apparatus: (179-92)

(iii) Fires, explosions: (26, 57-74, 162-4, 174-5, 219-20, 226-7)

(iv) Low temperature procedures: (26, 88)

(v) Pressurized and vacuum operations (including use of compressed gas cylinders): (27, 75-101)

(g) Material safety data sheets. Material safety data sheets are presented in "prudent practices" for the chemicals listed below. (Asterisks denote that comprehensive material safety data sheets are provided.)

*Acetyl peroxide (105) *Acrolein (106) *Acrylonitrile (107) Ammonia (anhydrous) (91) *Aniline (109) *Benzene (110) *Benzo[a]pyrene (112) *Bis(chloromethyl) ether (113) Boron trichloride (91) Boron trifluoride (92) Bromine (114)

*Tert-butyl hydroperoxide (148) *Carbon disulfide (116) Carbon monoxide (92) *Carbon tetrachloride (118) *Chlorine (119) Chlorine trifluoride (94) *Chloroform (121) Chloromethane (93) *Diethyl ether (122) Diisopropyl fluorophosphate (41) *Dimethylformamide (123) *Dimethyl sulfate (125) *Dioxane (126) *Ethylene dibromide (128) *fluorine (95) *Formaldehyde (130) *Hydrazine and salts (132) Hydrofluoric acid (43) Hydrogen bromide (98) Hydrogen chloride (98) *Hydrogen cyanide (133) *Hydrogen sulfide (135) Mercury and compounds (52) *Methanol (137) *Morpholine (138) *Nickel carbonyl (99) *Nitrobenzene (139) Nitrogen dioxide (100) N-nitrosodiethylamine (54) *Peracetic acid (141) *Phenol (142) *Phosgene (143) *Pyridine (144) *Sodium azide (145) *Sodium cyanide (147) Sulfur dioxide (101) *Trichloroethylene (149) *Vinyl chloride (150)

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

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 saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(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, boomscoters, 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 88-11, filed 7/6/88)

WAC 296-59-105 Handcharge makeup methods.

General. The department shall recognize two permissible methods concerning handcharges for avalanche control blasting. The descriptions and requirements for each method are contained in this section. Every ski area operation which conducts avalanche control blasting should use Method II "Hand charge makeup room." A well designed and constructed handcharge makeup room can enhance the correct assembly of components which will maintain the best possible control over explosives and components, reduce the probability of an explosives incident, and reduce the incidence of misfires from incorrect makeup or moisture.

(1) Method I. Makeup at the blast site.

(a) The ignition system shall consist of a nonelectrical blasting cap and highest quality water resistant safety fuse, or detonating cord, assembled as recommended by the manufacturer.

(b) Detonating cord (i.e., primacord) shall be used to connect separated multiple-charge blasts.

(c) No other ignition system shall be permissible on hand-placed or hand-thrown avalanche control charges unless variance is granted by the department.

(d) Caps shall be installed on correct length fuses prior to being transported out onto control routes.

(e) Caps shall only be crimped with a crimper tool approved for that purpose.

(f) Assembling caps and fuses shall be done in a warm, dry, well-lighted environment. The location used for assembly shall not have flammable fuels, flammable gases, or explosives present where accidental detonation of the caps could create a secondary ignition or detonation hazard.

(g) Each cap shall be protected by a styrofoam shield or the equivalent before being placed in an avalanche control pack for transportation.

(h) A fuse igniter shall never be attached to a fuse until the fuse and cap assembly is installed in the handcharge at the blast site and the control crew is fully prepared to ignite the charge.

(i) All class A explosives shall be attended as defined in WAC 296-59-007 at all times when the explosive is out of the class 1 storage magazine.

(j) Disbursement of explosive charges from the class 1 storage magazine into avalanche control packs shall be done outside the storage magazine. Records shall be maintained for all explosives disbursed.

(k) Caps, cap and fuse assemblies, armed handcharges, or fuse igniters shall not be carried into or stored in a class 1 magazine which contains class A explosives.

(2) Method II. Handcharge makeup room. This method is different from method I primarily in that the fuse and cap assembly is installed in the explosive charge while inside a special makeup room. The assembly procedure shall be as follows:

(a) Install caps on correct length fuses with an approved crimper tool before explosives are brought into the makeup room.

(b) The cap and fuse assemblies shall not be combined with explosives to form handcharges until just before the intended time of distribution.

(c) Only nonsparking skewers shall be used to punch holes in an explosives cartridge.

(d) The fuse shall be laced or taped in position after inserting the cap in the charge.

(e) Each handcharge shall be placed in an explosives box or avalanche control pack immediately after assembly is completed.

(f) No spark-producing metal tools shall be used to open explosives containers.

(g) Fuse igniters shall never be attached to a fuse or a handcharge until the handcharge is at the blast site and the control crew is fully prepared to ignite the charge.

(3) Makeup room requirements, procedures.

(a) Construction requirements.

(i) Makeup rooms located in accordance with the American Standard Quantity and Distance Tables for storage shall not require construction of reinforced concrete walls, floors, and doors. All other requirements of this chapter shall be applicable for such facilities.

(ii) Floors and walls. The floor and walls shall be constructed of reinforced concrete not less than eight inches thick. The rebar shall be not less than one-half inch diameter and shall be spaced on twelve-inch vertical and horizontal centers. The rebar shall be bent at a ninety degree angle and extend a minimum of twenty-four inches into the adjoining floor or wall to secure each floor and wall joint.

PROPOSED

(iii) Roof. The roof is not limited to specific materials but shall provide both weather protection and standard snow loading protection for the region.

(iv) Access door(s).

(A) If a hinged door mounting is utilized, the hinge shall be mounted on the inside so that the door opens into the makeup room. In the fully closed position, in position to be locked, the door shall be a minimum of two inches larger than the access opening on all sides.

(B) If a flush door mounting is utilized, the door shall be mounted with a two-inch decreasing taper on all sides of both the door and the concrete access opening to form a wedge seal.

(C) If a sliding door mounting is utilized, the mounting apparatus shall be on the inside of the makeup room and the door shall be a minimum of two inches larger than the access opening when the door is fully closed.

(D) Makeup room door may be either:

(I) Constructed to the same structural integrity and mounting requirements of (a)(iii)(A) through (C) of this subsection; or

(II) Constructed of plywood not less than two inches thick and overlaid on the outside with a steel plate not less than one-eighth inch thick.

(III) If a door which complies with (iii)(D)(II) of this subsection is used, a berm or barricade shall be installed within six feet of the door. The berm or barricade shall extend at least as high as the top of the door and shall be a minimum of two feet wider than the door on both sides of the door.

(E) For security purposes, one steel padlock having at least five tumblers and a case hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. Hinges and hasps shall be attached so that they cannot be removed from the outside when in the closed position and with the lock in place.

(v) Interior finish. The inside of all makeup rooms shall be finished and equipped to the following minimum requirements:

(A) Construction shall be fire resistant and nonsparking up to the top of the walls. Nails or screws shall be countersunk, blind nailed, or covered.

(B) Lighting shall be by N.E.C. explosion-proof rated fixtures and all wiring shall be in sealed conduit.

(C) Control switches shall be outside the makeup room.

(D) No electrical outlet boxes are permissible inside the room.

(b) Restrictions.

(i) Smoking, matches, open flames, or flame or spark-producing devices shall not be permitted inside the makeup room.

(ii) Flammable liquids or flammable compressed gases shall not be stored in the makeup room.

(iii) Signs limiting entry to authorized personnel shall be posted on the door(s).

(iv) A sign stating the occupancy rules shall be posted inside the makeup room where it is clearly legible upon entering the room. The sign shall post the following rules:

(A) Occupancy shall be restricted to specifically authorized personnel;

(B) Smoking, matches, flame or spark-producing devices, tools or equipment shall not be permitted in the room at any time when explosives or explosive components are present; and

(C) Flammable fuels or compressed gases shall not be permitted inside the room nor stored within fifty feet of the room.

(v) Heating units shall be limited to:

(A) Forced air systems with the heating unit located outside the room.

(B) Steam systems of 15 psig or less.

(C) Hot water systems of 130°F or less.

(D) The radiant heating coils and piping for steam or hot water systems shall be protected so that explosives cannot come into contact with them.

(E) Heating ducts shall be installed so that the hot air does not discharge directly on explosives.

(F) The heating system used in a makeup room shall have controls which prevent the ambient room temperature from exceeding 130°F.

(vi) The makeup room shall be equipped with a portable fire extinguisher of at least 2A-20BC rating.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(vii) Ventilation.

(A) The makeup room shall be equipped with a ventilation system capable of maintaining a minimum rate of three air exchanges per hour during all times when explosives are present in the room.

(B) Fans and controls shall be located outside the makeup room and shall be of a type approved for this service.

(C) The lighting circuit control shall also activate the ventilation fan and the ventilation fan shall be operated whenever personnel are in the room.

(D) Exhaust ventilation shall be arranged to discharge into outside air, not into an enclosed structure.

(viii) The floor or exterior walls may be constructed with duct openings for heating and ventilation purposes provided that:

(A) Each duct opening is not greater in volume than seventy-two square inches;

(B) The combined number of duct openings shall not exceed three;

(C) Duct openings shall be located within twelve inches of the floor or ceiling;

(D) The exhaust duct opening shall not be located on the wall above the makeup workbench.

(c) Practices and procedures.

(i) When explosives are present in the makeup room, entry into the makeup room shall be restricted to trained and authorized personnel.

(ii) The access door(s) to the makeup room shall be kept locked or bolted from the inside while employees are assembling explosives.

(iii) The entire makeup room shall be kept clean, orderly, and free of burnable rubbish.

(iv) Brooms and other cleaning utensils shall not have any spark-producing metal parts if used when explosives are present.

(v) Sweepings and empty explosives containers shall be disposed of as recommended by the explosives supplier.

(vi) Repair activities which utilize spark-producing tools shall not be conducted on any part of the makeup room while explosives are present.

(d) Storage of explosives.

(i) A makeup room shall not be used for the unattended storage of class A explosives.

(ii) A makeup room which meets all requirements of this chapter may contain a class 3 storage facility, for one thousand or less blasting caps.

(iii) A class 3 storage facility shall be constructed to meet the following minimum requirements:

(A) A class 3 storage facility shall be fire resistant and theft resistant. It does not need to be bullet resistant and weather resistant if the locked makeup room provides protection from weather and bullet penetration.

(B) Sides, bottoms, and covers shall be constructed of not less than number twelve gauge metal and lined with a nonsparking material.

(C) Hinges and hasps shall be attached so that they cannot be removed from the outside.

(D) One steel padlock having at least five tumblers and a case-hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. The lock and hasp is not required to be equipped with a steel hood.

(e) Location.

(i) The makeup room shall be located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the possession and handling of explosives," except under conditions as indicated in this section.

(ii) Where locating the makeup room in accordance with the quantity and distance separation table is impractical because of bad weather accessibility, rough terrain, or space availability:

(A) Upon application the department will issue a variance enabling location of the makeup room, by mutual agreement, at the safest possible location within the limitation of the individual base area.

(B) The safest possible location will be the location most isolated from assembly areas and buildings that are inhabited with application of additional protection measures such as:

(I) Berming.

(II) Locating natural obstructions or buildings that are not inhabited between the makeup room and assembly areas and buildings that are inhabited.

(III) Limitations on the total quantity of explosives in the makeup room at any one time.

(iii) Makeup rooms designed to hold the boxes of explosives awaiting makeup and the madeup explosives in avalanche control packs awaiting distribution may be located using the total quantity of explosives allowed at the makeup table at any one time as the referenced quantity of explosives provided.

(A) The makeup room is located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the

possession and handling of explosives" for the referenced quantity of explosives at the makeup table.

(I) This separation shall apply only to human proximity to the makeup room and only at such time as there are explosives in the makeup room.

(II) When the makeup room does not contain explosives the separation tables shall not apply.

(B) The concrete walls of the room are designed to withstand the explosion of the total amount of the referenced explosives.

(I) The concrete walls must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete walls must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" designed to produce walls which will withstand explosion of the referenced quantity explosives.

(C) The boxes of explosives awaiting makeup and the madeup explosives in avalanche control packs awaiting distribution are located behind separate concrete debris barrier walls which will ensure that detonation of these explosives will not occur if the explosives at the makeup table detonate.

(I) The concrete debris barrier wall must be constructed in accordance with specifications designed and certified by a licensed engineer; or

(II) The concrete debris barrier wall must be constructed to the specifications of Department of the Army TM5-1300 "Structures to Resist the Effects of Accidental Explosions" to produce a barrier which will not allow detonation of the explosives awaiting makeup and distribution should the referenced quantity of explosives detonate.

(III) Access from the makeup table to the area behind the concrete debris barrier walls shall not be doored. The concrete debris barrier walls will be designed so that the access way from the makeup table to the area behind the concrete debris barrier wall will deflect debris from an explosive blast by inherent design.

(D) The roof shall be designed so that the resistance to an interior explosive blast will be negligible.

(iv) A full containment makeup room may be located anywhere and must meet the following requirements:

(A) The makeup room must be constructed in accordance with a licensed explosive engineer's approved design.

(B) The total amount of explosives in the room at any time must not exceed the design limit of the room.

(C) The makeup room cannot be used for storage.

(v) This section shall become effective December 1, 1989.

Note: Explosives shall be stored in licensed magazines only. All magazines must be located in compliance with the American Quantity and Distance Separation Tables until the United States Treasury Department Bureau of Alcohol, Tobacco and Firearms approves full containment class 1 magazines for storage at distances less than those specified in the American Standard Quantity and Distance Separation Tables and the Washington state department of labor and industries adopts corresponding amendments.

PROPOSED

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-155-270 Flammable and combustible liquids. (1) General requirements.

(a) Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans, or department of transportation approved containers shall be used for the handling and use of flammable liquids in quantities five gallons or less, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container may be used for storage, use, and handling of flammable liquids.

(b) Flammable or combustible liquids shall not be stored in areas used for exits, stairways, or normally used for the safe passage of people.

(c) Flammable and combustible liquid containers shall be legibly marked to indicate their contents. Each storage container for flammable or combustible liquids, with a capacity of 50 gallons or more, shall have the contents of the container identified by a sign of clearly visible contrasting colors with letters at least 3 inches high, painted on the container at the discharge valve and at the fill point.

(d) Gasoline shall not be used as a solvent or a cleaning agent.

(2) Indoor storage of flammable and combustible liquids.

(a) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquid petroleum gas, see WAC 296-155-275.

(b) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

(i) Acceptable wooden storage cabinets shall be constructed in the following manner, or equivalent: The bottom, sides, and top shall be constructed of an exterior grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under standard fire test conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead wood screws, when more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Steel hinges shall be mounted in such a manner as to not lose their holding capacity due to loosening or burning out of the screws when subjected to fire. Such cabinets shall be painted inside and out with fire retardant paint.

(ii) Approved metal storage cabinets will be acceptable.

(iii) Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep fire away."

(c) Not more than 60 gallons of flammable or 120 gallons of combustible liquids shall be stored in any one storage cabinet. Not more than three such cabinets may be located in a single storage area. Quantities in excess of this shall be stored in an inside storage room.

(d)(i) Inside storage room shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Stan-

ard Methods of Fire Test of Building Construction and Material, NFPA 251-1972.

(ii) Where an automatic extinguishing system is provided, the system shall be designed and installed in an approved manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid-tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench, inside of the room, which drains to a safe location. Where other portions of the building or other buildings are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1983, for Class E or F openings. Wood of at least 1-inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay and similar installations.

(iii) Materials which will react with water and create a fire hazard shall not be stored in the same room with flammable or combustible liquids.

(iv) Storage in inside storage rooms shall comply with Table D-2 following:

TABLE D-2

Fire protection provided	Fire resistance	Maximum size	Total allowable quantities gals./sq. ft./floor area
Yes	2 hrs.	500 sq. ft.	10
No	2 hrs.	500 sq. ft.	4
Yes	1 hr.	150 sq. ft.	5
No	1 hr.	150 sq. ft.	2

Note: Fire protection system shall be sprinkler, water spray, carbon dioxide or other system approved by a nationally recognized testing laboratory for this purpose.

(v) Electrical wiring and equipment located in inside storage rooms shall be approved for Class 1, Division 1, hazardous locations. For definition of Class 1, Division 1, hazardous locations, see WAC 296-155-456.

(vi) Every inside storage room shall be provided with either a gravity or a mechanical exhausting system. Such system shall commence not more than 12 inches above the floor and be designed to provide for a complete change of air within the room at least 6 times per hour. If a mechanical exhausting system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. An electric pilot light shall be installed adjacent to the switch if flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhausting outlet from the room, shall be on the exterior of the building in which the room is located.

(vii) In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other.

PROPOSED

(viii) Flammable and combustible liquids in excess of that permitted in inside storage rooms shall be stored outside of buildings in accordance with subsection (3) of this section.

(3) Storage outside buildings.

(a) Storage of containers (not more than 60 gallons each) shall not exceed 1,100 gallons in any one pile or area. Piles or groups of containers shall be separated by a 5-foot clearance. Piles or groups of containers shall not be nearer than 20 feet to a building.

(b) Within 200 feet of each pile of containers, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(c) The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures, or shall be surrounded by a curb or earth dike at least 12 inches high. When curbs or dikes are used, provisions shall be made for draining off accumulations of ground or rain water, or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Outdoor portable tank storage.

(i) Portable tanks shall not be nearer than 20 feet from any building. Two or more portable tanks, grouped together, having a combined capacity in excess of 2,200 gallons, shall be separated by a 5-foot-clear area. Individual portable tanks exceeding 1,100 gallons shall be separated by a 5-foot-clear area.

(ii) Within 200 feet of each portable tank, there shall be a 12-foot-wide access way to permit approach of fire control apparatus.

(e) Storage areas shall be kept free of weeds, debris, and other combustible material not necessary to the storage.

(f) Portable tanks, not exceeding 660 gallons, shall be provided with emergency venting and other devices, as required by chapters III and IV of NFPA 30-1972, The Flammable and Combustible Liquids Code.

(g) Portable tanks, in excess of 660 gallons, shall have emergency venting and other devices, as required by chapters II and III of the Flammable and Combustible Liquids Code, NFPA 30-1972.

(4) Fire control for flammable or combustible liquid storage.

(a) At least one portable fire extinguisher, having a rating of not less than 20-B units, shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage of more than 60 gallons of flammable or combustible liquids.

(b) At least one portable fire extinguisher having a rating of not less than 20-B units shall be located not less than 25 feet, nor more than 75 feet, from any flammable liquid storage area located outside.

(c) When sprinklers are provided, they shall be installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1972.

(d) At least one portable fire extinguisher having a rating of not less than 20-B:C units shall be provided on all tank trucks or other vehicles used for transporting and/or dispensing flammable or combustible liquids.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(5) Dispensing liquids.

(a) Areas in which flammable or combustible liquids are transferred at the same time, in quantities greater than 5 gallons from one tank or container to another tank or container, shall be separated from other operations by 25-foot distance or by construction having a fire-resistance of at least 1 hour. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided to maintain the concentration of flammable vapor at or below 10 percent of the lower flammable limit.

(b) Transfer flammable liquids from one container to another shall be done only when containers are electrically interconnected (bonded).

(c) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or tanks within a building or outside only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container, or portable tanks, by gravity or pump, through an approved self-closing valve. Transferring by means of air pressure on the container or portable tank is prohibited.

(d) The dispensing units shall be protected against collision damage.

(e) Dispensing devices and nozzles for flammable liquids shall be of an approved type, as required by WAC 296-24-33015.

(6) Handling liquids at point of final use.

(a) Flammable liquids shall be kept in closed containers when not actually in use.

(b) Leakage or spillage of flammable or combustible liquids shall be disposed of promptly and safely.

(c) Flammable liquids shall be used only where there are no open flames or other sources of ignition within 50 feet of the operation, unless conditions warrant greater clearance.

(7) Service and refueling areas.

(a) Flammable or combustible liquids shall be stored in approved closed containers, in tanks located underground, or in aboveground portable tanks.

(b) The tank trucks shall comply with the requirements covered in the Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA No. 385-1977.

(c) The dispensing hose shall be an approved type.

(d) The dispensing nozzle shall be an approved automatic-closing type.

(e) Underground tanks shall not be abandoned.

(f) Clearly identified and easily accessible switch(es) shall be provided at a location remote from dispensing devices to shut off the power to all dispensing devices in the event of an emergency.

(g)(i) Heating equipment of an approved type may be installed in the lubrication or service area where there is no dispensing or transferring of flammable liquids, provided the bottom of the heating unit is at least 18 inches above the floor and is protected from physical damage.

(ii) Heating equipment installed in lubrication or service areas, where flammable liquids are dispensed, shall be of an approved type for garages, and shall be installed at least 8 feet above the floor.

(h) There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combus-

tion engines, receiving or dispensing of flammable or combustible liquids.

(i) Conspicuous and legible signs prohibiting smoking shall be posted.

(j) The motor of any equipment being fueled shall be shut off during the fueling operation.

(k) Each service or fueling area shall be provided with at least one fire extinguisher having a rating of not less than 20BC located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service area.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-275 Liquefied petroleum gas (LP-gas). (1) Approval of equipment and systems.

(a) Each system shall have containers, valves, connectors, manifold valve assemblies, and regulators of an approved type.

(b) All cylinders shall meet the department of transportation specification identification requirements published in 49 CFR Part 178, Shipping Container Specifications.

(2) Welding on LP-gas containers. Welding is prohibited on containers.

(3) Container valves and container accessories.

(a) Valves, fittings, and accessories connected directly to the container, including primary shut off valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-gas service.

(b) Connections to containers, except safety relief connections, liquid level gauging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(4) Safety devices.

(a) Every container and every vaporizer shall be provided with one or more approved safety relief valves or devices. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into a building which is below such discharge.

(b) Shutoff valves shall not be installed between the safety relief device and the container, or the equipment or piping to which the safety relief device is connected, except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(c) Container safety relief devices and regulator relief vents shall be located not less than 5 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(5) Dispensing.

(a) Filling of fuel containers for trucks or motor vehicles from bulk storage containers shall be performed not less than 10 feet from the nearest masonry-walled building, or not less than 25 feet from the nearest building or other construction and, in any event, not less than 25 feet from any building opening.

(b) Filling of portable containers or containers mounted on skids from storage containers shall be performed not less than 50 feet from the nearest building.

(6) Requirements for appliances.

(a) LP-gas consuming appliances shall be approved types.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas, and is in good condition, may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(7) Containers and regulating equipment installed outside of buildings or structures. Containers shall be upright upon firm foundations or otherwise firmly secured. The possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(8) Containers and equipment used inside of buildings or structures.

(a) When operational requirements make portable use of containers necessary, and their location outside of buildings or structures is impractical, containers and equipment are permitted to be used inside of buildings or structures in accordance with (b) through (k) of this subsection. In addition, there may be provisions of this section that are applicable to the particular use or occupancy.

(b) "Containers in use" means connected for use.

(c) Systems utilizing containers having a water capacity greater than 2 1/2-pounds (nominal 1 pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets.

(d) Regulators, when required, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(e) Valves on containers having water capacity greater than 50 pounds (nominal 20 pounds LP-gas capacity) shall be protected from damage while in use or storage.

(f) Aluminum piping or tubing shall not be used.

(g) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Design, construction, and performance of hose, and hose connections shall have their suitability determined by listing by a nationally recognized testing agency. The hose length shall be as short as practical. Hoses shall be long enough to permit compliance with spacing provisions of (a) through (m) of this subsection, without kinking or straining, or causing hose to be so close to a burner as to be damaged by heat.

(h) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the mainburner, and pilot if used, in the event of flame failure. Such heaters, having inputs above 50,000 BTU per hour, shall be equipped with either a pilot, which must be lighted and proved before the main burner can be turned on, or an electrical ignition system.

Note: The provisions of this subdivision do not apply to portable heaters under 7,500 BTU per hour input when used with containers having a maximum water capacity of 2 1/2 pounds.

(i) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(j) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located to minimize exposure to high temperatures or physical damage.

(k) Containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-gas capacity) connected for use shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(l) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-gas capacity).

(m) For temporary heating, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the containers. Blower and radiant type heaters shall not be directed toward any LP-gas container within 20 feet.

(n) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(o) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers, manifolded together for connection to a heater or heaters, shall not be greater than 735 pounds (nominal 300 pounds LP-gas capacity). Such manifolds shall be separated by at least 20 feet.

(p) Storage of containers awaiting use shall be in accordance with subsections (10) and (11) of this section.

(9) Multiple container systems.

(a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system. This provision is not to be construed as requiring an automatic changeover device.

(b) Heaters shall be equipped with an approved regulator in the supply line between the fuel cylinder and the heater unit. Cylinder connectors shall be provided with an excess flow valve to minimize the flow of gas in the event the fuel line becomes ruptured.

(c) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls, or otherwise rigidly secured, and shall be so installed or protected from the elements.

(10) Storage of LPG containers. Storage of LPG within building is prohibited.

(11) Storage outside of buildings.

(a) Storage outside of buildings, for containers awaiting use, shall be located from the nearest building or group of buildings, in accordance with Table D-3:

TABLE D-3

Quantity of LP-gas stored:	Distance (feet)
500 lbs. or less	0
501 to 6,000 lbs.	10
6,001 to 10,000 lbs.	20
Over 10,000 lbs.	25

(b) Containers shall be in a suitable ventilated enclosure or otherwise protected against tampering, or possible damage by vehicular traffic.

(12) Fire protection. Storage locations shall be provided with at least one approved portable fire extinguisher having a rating of not less than 20-B:C.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

AMENDATORY SECTION (Amending WSR 95-17-036, filed 8/9/95, effective 9/25/95)

WAC 296-155-525 Cranes and derricks. (1) Definitions applicable to this part:

Accessory - a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

Administrative or regulatory authority - a governmental agency, or the employer in the absence of governmental jurisdiction.

Angle indicator (boom) - an accessory which measures the angle of the boom to the horizontal.

Appointed - assigned specific responsibilities by the employer or the employer's representative.

Authorized person - means a person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

Auxiliary hoist - a secondary hoist rope system used either in conjunction with, or independently of, the main hoist system.

Axis of rotation - the vertical axis around which the crane superstructure rotates.

Axle - the shaft or spindle with which or about which a wheel rotates. On wheel-mounted cranes it refers to a type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

Axle (bogie) - two or more axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

Ballast - weight used to supplement the weight of the machine in providing stability for lifting working loads (the term ballast is normally associated with locomotive cranes).

Base, anchor bolt - a crane base that is bolted to a footing.

Base, expendable - for static-mounting cranes, a style of bottom mast section or member that is cast into a concrete

PROPOSED

footing block; all or part of this component is lost to future installations.

Base, fixed - a crane base that does not travel. It may be expendable, knee braced, or anchor bolted.

Base (mounting) - the traveling base on which the rotating superstructure of a locomotive or crawler crane is mounted.

Base, tower crane - the lowermost supporting component of the crane.

Base, travel - a crane base that is a ballasted platform mounted on trucks that ride along rails.

Boom (crane) - a member hinged at the rotating superstructure and used for supporting the existing tackle.

Boom angle - the angle above or below horizontal of the longitudinal axis of the base boom section.

Boom hoist mechanism - means for supporting the boom and controlling the boom angle.

Boom point - the outer extremity of the crane boom, containing the hoist sheave assembly.

Boom point sheave assembly - an assembly of sheaves and pin built as an integral part of the boom point.

Boom stop - a device used to limit the angle of the boom at the highest recommended position.

Brake - a device used for retarding or stopping motion.

Brace, tower - a structural attachment placed between a crane tower and an adjacent structure to pass loads to the adjacent structure and permit the crane to be erected to greater than free standing height.

Buffer - an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel.

Cab - a housing which covers the rotating superstructure machinery, or the operator's or driver's station.

Climbing frame - a frame used with climbing cranes to transmit operational and climbing reactions to the host building frame.

Climbing ladder - a steel member with crossbars (used in parts) suspended from a climbing frame and used as jacking support points when some cranes climb.

Clutch - a means for engagement or disengagement of power.

Commercial truck vehicle - a commercial motor vehicle designed primarily for the transportation of property in connection with business and industry.

Counterweight - weight used to supplement the weight of the machine in providing stability for lifting working loads.

Counterweight jib - a horizontal member of a crane on which the counterweights and usually the hoisting machinery are mounted.

Crane carrier - the undercarriage of a wheel-mounted crane specifically designed for transporting the rotating crane superstructure. It may or may not provide its own travel mechanism. It is distinguished from a commercial truck vehicle in that it is not designed to transport personnel, materials, or equipment other than the crane-rotating superstructure.

Cross-over points - in multiple layer spooling of rope on a drum, those points of rope contact where the rope crosses the preceding rope layer.

Designated - selected or assigned by the employer or the employer's representative as being competent to perform specific duties.

Drum - the cylindrical member around which a rope is wound for lifting and lowering the load or boom.

Dynamic (loading) - loads introduced into the machine or its components due to accelerating or decelerating forces.

Flange point - a point of contact between rope and drum flange where the rope changes layers.

Free standing height - that height of a crane which is supported by the tower (mast) alone without assistance from braces, guys, or other means.

Gage, track - the horizontal distance between two rails measured perpendicular to the direction of travel.

Gantry (A-frame) - a structural frame, extending above the superstructure, to which the boom support ropes are reeved.

High strength (traction) bolts - high strength tensile bolts used in the assembly of crane sections. The bolts are installed in tension by torquing or other means at a level greater than that produced by in- or out-of-service loads for the purpose of reducing the likelihood of bolt fatigue failure.

Hoist mechanism - a hoist drum and rope reeving system used for lifting and lowering loads.

Jib - an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.

Jib backstop - a device which will restrain the jib from turning over backward.

Job site - work area defined by the construction contract.

Limiting device - a mechanical device which is operated by some part of a power driven machine or equipment to control loads or motions of the machine or equipment.

Load (working) - the external load in pounds (kilograms) applied to the crane, including the weight of load-attaching equipment such as lower load block, shackles, and slings.

Load block, lower - the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

Load block, upper - the assembly of shackle, swivel, sheaves, pins, and frame suspended from the boom point.

Load ratings - crane ratings in pounds (kilograms) established by the manufacturer.

Mast (boom) - a frame hinged at or near the boom hinge for use in connection with supporting a boom. The head of the mast is usually supported and raised or lowered by the boom hoist ropes.

Mast (jib) - a frame hinged at or near the boom point for use in connection with supporting a jib.

Normal operating conditions.

Cab- or station-operated cranes - conditions during which a crane is performing functions within the manufac-

turer's operating recommendations. Under these conditions, the operator is at the operating control devices on the crane, and no other persons except those appointed are to be on the crane.

Ground- or floor-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to the crane but operated with the operator off the crane, and no other persons except those appointed are to be on the crane.

Remote-operated cranes - conditions during which a crane is performing functions within the manufacturer's operating recommendations. Under these conditions, the operator is at the operating control devices that are mounted to any part of the crane, and no other persons except those appointed are to be on the crane.

Out-of-service - the condition of a crane when unloaded, without power and with the controls unattended and prepared to endure winds above the in-service level.

Outriggers - extendable or fixed members attached to the mounting base, which rest on supports at the outer ends used to support the crane.

Pawl (dog) - a device for positively holding a member against motion in one or more directions.

Payload - that load or loads being transported by the commercial truck chassis from place to place.

Pendant - a rope or strand of specified length with fixed end connections.

Pitch diameter - the diameter of a sheave or rope drum measured at the center line of the rope.

Power-controlled lowering - a system or device in the power train, other than the load hoist brake, which can control the lowering rate of speed of the load hoist mechanism.

Qualified person - a person who, by possession of a recognized degree or certificate of professional standing, or who, by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter and work.

Radius (load) - the horizontal distance from a projection of the axis of rotation to the base of the crane, before loading, to the center of the vertical hoist line or tackle with load applied.

Rail clamp - a tong-like metal device mounted on a locomotive crane car, which can be connected to the track.

Reeving - a rope system in which the rope travels around drums and sheaves.

Remote control station - a location, not on the crane, from which the operator can control all the crane movements.

Repetitive pickup point - when operating on a short cycle operation, the rope being used on a single layer and being spooled repetitively over a short portion of the drum.

Rope - refers to wire rope unless otherwise specified.

Rotation resistant rope - a wire rope consisting of an inner layer of strand laid in one direction covered by a layer of strand laid in the opposite direction. This has the effect of counteracting torque by reducing the tendency of the finished rope to rotate.

Running rope - a rope which travels around sheaves or drums.

Shall - this word indicates that the rule is mandatory and must be followed.

Service, light - service that involves irregular operation with loads generally about one-half or less of the rated load; a service crane at a storage yard or building site would be an example.

Service, normal - service that involves operating occasionally at rated load but normally at less than eighty-five percent of the rated load and not more than ten lift cycles per hour except for isolated instances; a crane used for concrete placement at a building site would be an example.

Service, heavy - service that involves operating at eighty-five percent to one hundred percent of the rated load or in excess of ten lift cycles per hour as a regular specified procedure; some cranes operating at material yards or in industrial applications may fall into this category.

Sheave - a grooved wheel or pulley used with a rope to change the direction and point of application of a pulling force.

Should - this word indicates that the rule is a recommendation, the advisability of which depends on the facts in each situation.

Side loading - a load applied to an angle to the vertical plane of the boom.

Stabilizer - stabilizers are extendable or fixed members attached to the mounting base to increase the stability of the crane, but which may not have the capability of relieving all of the weight from wheels or tracks.

Standby crane - a crane which is not in regular service but which is used occasionally or intermittently as required.

Standing (guy) rope - a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

Structural competence - the ability of the machine and its components to withstand the stresses imposed by applied loads.

Superstructure - the rotating upper frame structure of the machine and the operating machinery mounted thereon.

Swing - rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

Swing mechanism - the machinery involved in providing rotation of the superstructure.

Swivel - a load carrying member with thrust bearings to permit rotation under load in a plane perpendicular to the direction of the load.

Swiveling - the rotation of the load attachment portion (hook or shackle) of a load block (lower) or hook assembly about its axis of suspension in relation to the load line(s).

Tackle - an assembly of ropes and sheaves arranged for lifting, lowering, or pulling.

Telescoping boom - consists of a base boom from which one or more boom sections are telescoped for additional length.

Telescoping (tower crane) - a process whereby the height of a traveling or fixed base crane is increased typically by raising the inner tower and then adding sections at the top

of the outer tower; there are also cranes that are telescoped by adding to the inner tower from below.

Tower (mast) - a vertical structural frame consisting of columns and bracing capable of supporting an upperstructure with its working and dynamic loads and transmitting them to the supporting surface or structure.

Traction (high strength) bolts - see high strength bolts.

Transit - the moving or transporting of a crane from one job site to another.

Travel - the function of the machine moving under its own power from one location to another on a job site.

Trolley - the device that travels along the load jib and contains the upper load block.

Two-blocking - the condition in which the lower load block or hook assembly comes in contact with the upper load block or boom point sheave assembly.

Weathervaning - wind induced rotation of a crane upperstructure, when out-of-service, to expose minimal surface area to the wind.

Wedge - a tapered wood or steel device used to provide stability to cranes during use as a climber. When the wedges are tightened against the four main legs of the tower, they convert overturning moments into horizontal forces to be resisted by the floor framing or slab.

Wheel base - the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheel base measurement is taken as the midpoint of the assembly.

Whipline (runner or auxiliary) - a secondary rope system usually of lighter load capacity than that provided by the main rope system.

Winch head - a power driven spool for handling of loads by means of friction between fiber or wire rope and the spool.

(2) General requirements.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of any and all cranes and derricks. Where manufacturer's specifications are not available the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field and such determinations will be appropriately documented and recorded. Attachments used with cranes shall not exceed the capacity, rating, or scope recommended by the manufacturer.

(b) Rated load capacities, and recommended operating speeds, and special hazard warnings, or instruction, shall be conspicuously posted on all equipment. Instructions or warnings shall be visible to the operator while at the control station.

(c) Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

(d) The employer shall designate a competent person who shall inspect all machinery and equipment prior to each use, and periodically during use to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.

(e) A thorough, annual inspection of the hoisting machinery shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of all inspections for each hoisting machine and piece of equipment.

(f) A tag line or guide rope shall be used on all loads that swing freely. Guide ropes or tag lines shall be held by experienced persons.

(g) Care shall be taken to guard against injury to workers, or damage to scaffolds or buildings, from swinging loads.

(h) The operator shall avoid carrying loads over people.

(i) When work is stopped or when the derrick is not in operation, the boom shall be lowered to a horizontal position or tied in place to prevent it whipping with the wind or other external force.

(j) Only authorized personnel shall make sling hitches on loads.

(k) Workers shall not be allowed to ride on loads handled by derricks.

(l) Operators shall observe signals only from duly authorized persons. Under no circumstances shall a load be moved until the signal is received from authorized personnel.

(m) Belts, gears, shafts, pulleys, sprockets, spindles, drums, fly wheels, chains, or other reciprocating, rotating, or other moving parts or equipment shall be guarded if such parts are exposed to contact by employees, or otherwise create a hazard. Guarding shall meet the requirements of chapter 296-24 WAC.

(n) A minimum distance of thirty inches clearance shall be maintained between the swing radius of the greatest extension of the crane superstructure or counterweights and a stationary object, including the crane itself, while the crane is in operation. When this clearance cannot be maintained, suitable barricades or safeguards shall be used to isolate the pinch point hazard area.

(o) All exhaust pipes shall be guarded or insulated where contact by employees, in the performance of normal duties, is possible.

(3) Additional requirements.

(a) Whenever internal combustion engine powered equipment exhausts in enclosed spaces, tests shall be made and recorded to see that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. (See chapter 296-62 WAC, the general occupational health standards and other applicable standards.)

(b) All cab glazing shall be safety glazing material. Windows shall be provided in the front and on both sides of the cab or operator's compartment with visibility forward and to either side. Visibility forward shall include a vertical range adequate to cover the boom point at all times. The front window may have a section which can be readily removed or held open, if desired. If the section is of the type held in the open position, it shall be secured to prevent inadvertent closure. A windshield wiper should be provided on the front window.

(c)(i) Where necessary for rigging or service requirements, a ladder or steps shall be provided to give access to a cab roof.

(ii) On cranes, guardrails, handholds and steps shall be provided for easy access to the car and cab in accordance with chapter 296-155 WAC, Part C-1 and Part J.

(iii) Platforms and walkways shall have anti-skid surfaces.

(d) Fuel tank filler pipe shall be located in such a position, or protected in such manner, as to not allow spill or overflow to run onto the engine, exhaust, or electrical equipment of any machine being fueled.

(i) An accessible fire extinguisher of 5BC rating, or higher, shall be available at all operator stations or cabs of equipment.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(ii) All fuels shall be transported, stored, and handled to meet the rules of Part D of this chapter. When fuel is transported by vehicles on public highways, department of transportation rules concerning such vehicular transportation are considered applicable.

(e) Except where electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet;

(ii) For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet;

(iii) In transit with no load and boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV., and 10 feet for voltages over 50 kV. up to and including 345 kV., and 16 feet for voltages up to and including 750 kV.;

(iv) A person shall be designated to observe clearance of the equipment and give timely warning to insure that the required separation is maintained for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(v) Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not alter the requirements of any other regulation of this part even if such device is required by law or regulation;

(vi) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded;

(vii) Prior to work near transmitter tower where an electrical charge can be induced in the equipment or materials being handled, the transmitter shall be deenergized or tests shall be made to determine if electrical charge is induced on the crane.

(f) The following precautions shall be taken when necessary to dissipate induced voltage:

(i) The equipment shall be provided with an electrical ground directly to the upper rotating structure supporting the boom; and

(ii) Ground jumper cables shall be attached to materials being handled by boom equipment when electrical charge is induced while working near energized transmitters. Crews shall be provided with nonconductive poles having large alligator clips or other similar protection to attach the ground cable to the load.

(iii) Combustible and flammable materials shall be removed from the immediate area prior to operations.

(g) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's or a qualified engineer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(h) The employer shall comply with Power Crane and Shovel Association, Mobile Hydraulic Crane Standard No. 2.

(i) Sideboom cranes mounted on wheel or crawler tractors shall meet the requirements of SAE J743a-1964.

(4) Crawler, locomotive, and truck cranes.

(a) All jibs shall have positive stops to prevent their movement of more than 5° above the straight line of the jib and boom on conventional type crane booms. The use of cable type belly slings does not constitute compliance with this standard.

(b) All crawler, truck or locomotive cranes in use shall meet the applicable requirements for design, inspection, construction, testing, maintenance and operation as prescribed in the ANSI B30.5-1989, Safety Code for Crawler, Locomotive and Truck Cranes.

(5) Tower cranes.

(a) Tower cranes shall be erected, jumped and dismantled under the immediate supervision of a competent person, designated by the employer.

(b) Tower cranes shall be erected, maintained and used in accordance with the manufacturer's specifications, recommendations and procedures. All modifications shall be approved by the manufacturer and engineered by a professional engineer. The safety factors shall not be reduced by any modifications. The crane plates and charts shall be changed to reflect any modifications made.

(c) A professional engineer shall certify that the crane foundations and underlying soil are adequate support for the tower crane with its maximum overturning movement.

(d) Tower cranes shall be positioned whereby they can swing 360° without either the counterweight or jib striking any building, structure or other object, except:

(i) If the crane can strike an object or another crane, suitable limit switches shall be installed which will prohibit contact with such objects, or;

(ii) Direct voice communications shall be established between any operator of the tower crane(s) involved and a signalperson so stationed where the boom and/or counterweight movement, and the object with which it may contact can be observed so that the operator(s) can be warned of imminent danger.

(iii) A secondary means of positive communications shall be established as a back-up for possible direct voice communication failure.

(iv) Radio communication systems without tone coded squelch are prohibited. Citizens band radios shall not be used as a means of communications for tower cranes.

(e) Prior to installing a climbing tower crane within an existing building or new construction, a structural engineer shall certify that the building is designed to withstand the torque and floor loading created by the crane to be installed.

(f) Tower cranes erected on a new foundation shall be tested in accordance with ANSI B30.3-1990 Chapter 3-1.

(i) The test shall consist of suspending a load of not less than 110% of the rated capacity for 15 minutes. The load shall be suspended from the furthest point of the length of boom (jib) to be used. The results of this test shall be within the manufacturer's recommendations and/or specifications.

(ii) A record of each test shall be made and signed by the person responsible for conducting the test. Such records shall be maintained on the construction site for the duration of the construction work for which it was erected and subsequently made a part of the firm's permanent equipment records. Records shall be made available to authorized representatives of the department, upon request.

(g) A capacity chart shall be furnished by each crane manufacturer which shall include a full and complete range of crane load ratings at all stated operating radii for each allowable speed and each recommended counterweight load.

(i) Such chart shall be posted in the operator's cab or at the remote control stand in use. In lieu of the chart at the remote control stand, a minimum of two weight capacity signs shall be affixed to the jib or boom.

(ii) The chart shall be visible and readable to the operator while at the normal operating position.

(h) Operating controls shall be properly marked to indicate the function of the controls in each position.

(i) An operating and maintenance manual written in the English language shall be provided with each tower crane.

(j) Limit switches shall be installed and shall be kept properly adjusted. They shall be protected or isolated in a manner which will prevent unauthorized tampering. Limit switches shall provide the following functions:

(i) Safely limit the travel of the trolley to prevent it from hitting the outer end of the jib.

(ii) Limit the upward travel of the load block to prevent two-blocking.

(iii) Lower over travel limiting devices shall be provided for all load hoists where the hook area is not visible to the operator.

(iv) Limit the load being lifted in a manner whereby no more than 110% of the maximum rated load can be lifted or moved.

(k) The crane shall not be used to pull vehicles of any type, remove piling, loosen form work, pull away loads which are attached to the ground or walls, or for any operation other than the proper handling of freely suspended loads.

(l) When the operator may be exposed to the hazard of falling objects, the tower crane cab and/or remote control station shall have adequate overhead protection.

(m) The operator shall be protected from the weather. If enclosed cabs are provided they shall provide clear visibility in all directions and glass shall be approved safety glass or the equivalent.

(n) An approved and safe means shall be provided for access to operator's cab and machinery platform.

(o) When necessary for inspection or maintenance purposes, ladders, walkways with railing or other devices shall be provided.

(p) Each tower crane shall be provided with a slewing brake capable of preventing the jib or boom from rotating in either direction and stopping the rotation of the jib or boom while loaded, when desired. Such brake shall have a holding device which, when set, will hold the jib or boom in a fixed location without additional attention of the operator. When the crane is out of operation, the jib or boom shall be pointed downwind and the slewing brake shall be released so as to permit the jib or boom to weathervane, providing the jib or boom has a clear 360 degree rotation. Where a 360 degree rotation is not provided, the jib or boom shall be pointed downwind from the prevailing wind and the slewing brake set.

(q) Each tower crane shall be provided with a braking system on the trolley capable of stopping and holding the trolley in any desired position while carrying a maximum load. This brake shall be capable of being locked in a fixed location without additional attention of the operator. An automatic brake or device shall be installed which will immediately stop and lock the trolley in position in the event of a breakage of the trolley rope.

(r) All electrical equipment shall be properly grounded and protection shall be provided against lightning.

(s) When the operator is actually operating the crane, the operator shall remain in a stationary position.

(t) All crane brakes shall automatically set in event of power failure. Swing brakes shall also function in this manner or be capable of being set manually.

(u) Climbing jack systems used for raising a tower crane shall be equipped with over-pressure relief valves, direct-reading pressure gauges, and pilot-operated hydraulic check valves installed in a manner which will prevent jack from retracting should a hydraulic line or fitting rupture or fail.

(v) During periods of high winds or weather affecting visibility, i.e., fog, etc., only loads shall be handled that are consistent with good safety practices. Good safety practices shall be mutually agreed upon by the operator and the person in charge of the construction job, with due consideration given to manufacturer's specifications and recommendations.

(w) Counterweights shall be securely fastened in place and shall not exceed the weight as recommended by the manufacturer for the length of jib being used. However, an amount of counterweight as recommended by the manufacturer shall be used.

(x) Tower cranes shall be inspected and maintained in accordance with the manufacturer's recommendations or more frequently if there is reason to suspect a possible defect or weakening of any portion of the structure or equipment.

(y) Guy wires, wedges, braces or other supports shall be inspected at the beginning and at midpoint of each working shift to ascertain that they are functioning as intended.

(6) Additional tower crane requirements.

(a) An approved method shall be instituted for transmitting signals to the operator. Standard hand signals for crane operations shall be used, whenever possible; however, if conditions are such that hand signals are ineffective, radio-controlled or electric-whistle signal or two-way voice communication shall be used. (See WAC 296-155-525 (4)(d).)

(b) Tower cranes shall not be erected or raised when the wind velocity at the worksite exceeds 20 m.p.h. or that specified by the manufacturer.

(c) Tower crane operators shall be trained and experienced in tower crane operations; however, for gaining experience, persons may operate the tower crane if under the immediate supervision of an experienced operator.

(d) Adequate clearance shall be maintained between moving and rotating structures of the crane and fixed objects to allow the passage of employees without harm.

(e) Employees required to perform duties on the horizontal boom of hammerhead tower cranes shall be protected against falling by guardrails or by a full body harness and lanyards attached to crane or to lifelines in conformance with Part C-1 of this chapter.

(f) Buffers shall be provided at both ends of travel of the trolley.

(g) Cranes mounted on rail tracks shall be equipped with limit switches limiting the travel of the crane on the track and stops or buffers at each end of the tracks.

(h) All hammerhead tower cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed by the manufacturer.

(i) Access ladders inside the telescoping sections of tower cranes are exempt from those sections of the safety standards pertaining to cleat length and cleat spacing, but shall conform to manufacturer's recommendations and specifications.

(7) Overhead and gantry cranes.

(a) The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and this marking shall be clearly legible from the ground or floor.

(b) Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(c) Except for floor-operated cranes, a gong or other effective audible warning signal shall be provided for each crane equipped with a power traveling mechanism.

(d) All overhead and gantry cranes in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, inspection, and operation as prescribed in ANSI B30.2.0-1990, Safety Code for Overhead and Gantry Cranes.

(8) Derricks. All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standard Institute B30.6-1990, Safety Code for Derricks.

(9) Floating cranes and derricks.

(a) Mobile cranes mounted on barges.

(i) When a mobile crane is mounted on a barge, the rated load of the crane shall not exceed the original capacity specified by the manufacturer.

(ii) A load rating chart, with clearly legible letters and figures, shall be provided with each crane, and securely fixed at a location easily visible to the operator.

(iii) When load ratings are reduced to stay within the limits for list of the barge with a crane mounted on it, a new load rating chart shall be provided.

(iv) Mobile cranes on barges shall be positively secured.

(b) Permanently mounted floating cranes and derricks.

(i) When cranes and derricks are permanently installed on a barge, the capacity and limitations of use shall be based on competent design criteria.

(ii) A load rating chart with clearly legible letters and figures shall be provided and securely fixed at a location easily visible to the operator.

(iii) Floating cranes and floating derricks in use shall meet the applicable requirements for design, construction, installation, testing, maintenance, and operation as prescribed by the manufacturer.

(c) Protection of employees working on barges. The employer shall comply with the applicable requirements for protection of employees as specified in WAC 296-155-630.

(10) Mobile cranes and excavation machines.

(a) In all power driven shovel operations the person in charge shall issue instructions necessary to prevent accidents, to detect and correct unsafe acts and dangerous conditions, and to enforce all safety rules and regulations.

The person in charge shall also issue instructions on the proper method of using tools and handling material.

(b) Where the ground is soft or uneven, timbering and planking shall be used to provide firm foundation and distribute the load.

(c) In case of a breakdown, the shovel shall be moved away from the foot of the slope before repairs are made.

(d) All persons shall keep away from the range of the shovel's swing and shall not be permitted to stand back of the shovel or in line with the swing of the dipper during operation or moving of shovel.

(e) Unauthorized persons shall not be allowed on the shovel during operations, and the operator shall not converse with other persons while operating machine.

(f) The shovel dipper shall rest on the ground or on blocking during shut down periods.

(g) Shovels shall be inspected daily and all defects promptly repaired.

(h) All rubber tired mobile cranes shall be equipped with outriggers and sufficient blocking to properly stabilize crane while operating.

(i) Rubber tired mobile cranes shall be equipped with rear view mirrors.

(j) Positive boom stops shall be provided on all mobile cranes of the wheel and crawler type.

(k) Length of a crane boom and amount of counterweight shall not exceed manufacturer's rated capacity for equipment involved; except on isolated cases where permission is granted by the department.

(l) On all cranes where wedge beackets are used as terminal connections, the proper size wedge shall be used.

(m) On all mobile cranes, the hoist and boom drums shall be provided with a positive operated pawl or dog which shall be used in addition to the brake to hold the load and boom when they are suspended. Counterweight operated dogs are prohibited.

(n) Oiling and greasing shall be done under safe conditions with machine at rest, except when motion of machine is necessary.

(o) All steps, running boards, and boom ladder shall be of substantial construction and in good repair at all times.

(p) Operators shall not leave the cab while master clutch is engaged.

(q) Fire extinguishers shall be readily accessible and within reach of operator at all times.

(r) All shovel and crane cabs shall be kept clean and free of excess oil and grease on floor and machinery. Oily and greasy rags shall be disposed of immediately after use and not allowed to accumulate.

(s) Tools shall not be left on the cab floor. Spare cans of oil or fuel, and spare parts, shall not be stored in cabs, except in approved racks provided for that purpose.

(t) Mats or planking shall be used in moving shovels or cranes over soft or uneven ground.

(u) Cranes or shovels setting on steep grades shall be securely blocked or secured with a tail hold.

(v) Smoking shall be prohibited while fueling or oiling machines.

(w) Gasoline powered motors shall be stopped during refueling.

(x) Handling of movable feed line (bologna) shall be accomplished with insulated hooks and lineman's rubber gloves.

(y) Where cables cross roads they shall be elevated or placed in a trench.

(z) On all power shovels, including back-hoe types, of one-half cubic yard capacity or over, and on all dragline cranes or all-purpose cranes of the crawler or wheel type, two persons shall constitute the minimum working crew. It is mandatory that one be a qualified operator of the equipment in use. The job title of the other crew member may be oiler, rigger, signal person, or a laborer. The primary purpose of the second crew member is to signal the operator when the operator's vision is impaired or obscured and to be on-hand in case of emergency.

(i) Second-crew persons shall be properly trained in their second-person required skills.

(ii) The second crew member shall be close enough to the machine in operation to be aware of any emergency, if one arises, and to assure the machine is operated with necessary and appropriate signals to the operator.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-575 Helicopters and helicopter cranes. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swaged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within 100 feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions

shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within 50 feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Refueling operations.

(a) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (turbine-kerosene) type fuel be permitted while the engines are running.

(b) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(c) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(d) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of available fire extinguishing equipment.

(e) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights for spark producing agents within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(f) Due to the numerous causes of static electricity, it should be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter.

(i) Conductive hose shall not be used to accomplish the bonding.

(ii) All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(g) To control spills:

(i) Fuel shall be pumped either by hand or power.

(ii) Pouring or gravity flow shall not be permitted.

(iii) Selfclosing nozzles shall not be dragged on the ground.

(h) In case of a spill, the fueling operation shall be immediately stopped until such time as the person in charge determines that it is safe to resume the refueling operation.

(i) When ambient temperatures have been in the one hundred degree F range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(21) Hook on persons shall wear contrasting colored hard hats, with chinstraps, and high visibility vests or outer garments to enable the helicopter operator to readily identify their locations.

(22) Riding the load or hook of a helicopter is prohibited except in the case of emergency and then only with the proper safety gear.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-155-730 Tunnels and shafts. (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by Part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes,

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manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and shall be posted with warning signs indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

- (a) Air monitoring;
- (b) Ventilation;
- (c) Confined space entry procedures;
- (d) Permit-required confined space entry procedures;
- (e) Illumination;
- (f) Communications;
- (g) Flood control;
- (h) Mechanical equipment;
- (i) Personal protective equipment;
- (j) Explosives;
- (k) Fire prevention and protection; and
- (l) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located aboveground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the jobsite affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural unassisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the jobsite. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer must provide self-rescuers certified by the National Institute for Occupational Safety and Health under 42 CFR part 84. The respirators must be immediately available to all employees at work stations in underground areas where employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators must be in accordance with the requirements of chapter 296-62 WAC, Part E.

(8) Designated person. At least one designated person shall be on duty aboveground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On jobsites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue teams, one on the jobsite or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On jobsites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the jobsite or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of fire fighting equipment. Qualifications shall be reviewed not less than annually.

(d) On jobsites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the jobsite.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/- 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/- 0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in chapter 296-155 WAC, Part H, shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-62 WAC, Part H, shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this section requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of jobsite: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the jobsite, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby jobsites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and jobsite conditions: The use of diesel engines, use of explosives, use of fuel gas, volume and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-62 WAC, Part H.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device certified by MSHA-NIOSH for protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of chapter 296-62 WAC, Part E.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (t)(i) and (ii) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen diox-

ide, hydrogen sulfide, and other toxic gases, dust, vapors, mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, Part H, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilating fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches 15 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground jobsite to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in

accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his/her representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic

substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in chapter 296-155 WAC, Part B-1. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air

to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining/explosives section, department of labor and industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the department of labor and industries or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Carbon Monoxide	.0035%	35 ppm
General atmosphere	Nitrogen Dioxide	.0001%	1 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(l) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

(i) Be constructed of fire-resistant materials; and

(ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located aboveground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of chapter 296-155 WAC, Part B-1, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construc-

PROPOSED

tion operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and methylacetylene propadiene stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the jobsite, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression

system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(j) A fire extinguisher of at least 4A:4OB:C rating or other equivalent extinguishing means shall be provided at the head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other hot work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(v) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced. When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Blasting holes shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment, including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in chapter 296-155 WAC, Part L.

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to underground construction for motor vehicle transportation of employees are found in chapter 296-155 WAC, Part M.

(f) Conveyor lockout.

(i) Conveyors shall be de-energized and locked out with a padlock, and tagged out with a "Do Not Operate" tag at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and;

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect person cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in person cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is hampered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This subsection applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the following provisions of chapter 296-155 WAC, Part L apply: Requirements for cranes are found in WAC 296-155-525. WAC 296-155-528 contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC 296-155-528(2) do not apply to the routine access of employees to the underground

via a shaft. Requirements for personnel hoists, material hoists, and elevators are found in WAC 296-155-530 and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This subsection does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalperson at the bottom of the shaft directs the operator to continue lowering the load, except that the load may be lowered without stopping if the load or conveyance is within full view of a bottom signalperson who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to chapter 296-155 WAC, Part L, for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

AMENDATORY SECTION (Amending WSR 96-24-051, filed 11/27/96, effective 2/1/97)

WAC 296-155-745 Compressed air. (1) General provisions.

(a) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this part in all respects and responsible for full compliance with these and other applicable parts.

(b) Every employee shall be instructed in the rules and regulations which concern their safety or the safety of others.

(2) Medical attendance, examination, and regulations.

(a) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. They shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. They shall be physically qualified and be willing to enter a pressurized environment.

(b) No employee shall be permitted to enter a compressed air environment until they have been examined by the physician and reported to be physically qualified to engage in such work.

(c) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, they shall not resume work until they are reexamined by the physician, and their physical condition reported, as provided in this subsection, to be such as to permit them to work in compressed air.

(d) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, the employee shall be reexamined by the physician to determine if they are still physically qualified to engage in compressed air work.

(e) Such physician shall at all times keep a complete and full record of examinations made by themselves. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(f) Records shall be available for the inspection by the director or his/her representatives, and a copy thereof shall be forwarded to the department within 48 hours following the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the director.

(g) A fully equipped first-aid station shall be provided at each tunnel project regardless of the number of persons

PROPOSED

employed. An ambulance or transportation suitable for a litter case shall be at each project.

(h) Where tunnels are being excavated from portals more than 5 road miles apart, a first-aid station and transportation facilities shall be provided at each portal.

(i) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(j) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.;

(viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock;

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender;

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines or Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH);

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90°F. nor be less than 70°F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(k) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and contain

instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations;

(a) The working chamber face;

(b) The working chamber side of the man lock near the door;

(c) The interior of the man lock;

(d) Lock attendant's station;

(e) The compressor plant;

(f) The first-aid station;

(g) The emergency lock (if one is required); and

(h) The special decompression chamber (if one is required).

(4) Signs and records.

(a) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

..... pounds to pounds in minutes.

..... pounds to pounds in minutes.

(Signed by)

(Superintendent)

This form shall be posted in the man lock at all times.

(b) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(c) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(5) Compression.

(a) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(b) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(c) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(d) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disappear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If the employee does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(e) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in an emergency.

(6) Decompression.

(a) Decompression to normal condition shall be in accordance with the decompression tables in Appendix A of this part.

(b) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(c) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(7) Man locks and special decompression chambers.

(a) Man locks.

(i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this part.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. The lock attendant shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are persons in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in item (viii) of this subdivision.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that the test gauges may be attached whenever necessary.

(vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for oxygen decompression therapy to 28 p.s.i.g.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70°F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.

(xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires total time of decompression exceeding 75 minutes.

(b) Special decompression chamber.

(i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(A) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time;

(B) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(C) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber.

(D) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(E) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(F) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(8) Compressor plant and air supply.

(a) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: Provided; That the gauges and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(b) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(c) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(d) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(e) Switching from one independent source of power supply to the other shall be done periodically to ensure that workability of the apparatus in an emergency.

(f) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(g) All high-pressure and low-pressure air supply lines shall be equipped with check valves.

(h) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(i) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(j) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(9) Ventilation and air quality.

(a) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. The quantity of ventilation air shall be not less than 30 cubic feet per minute.

(b) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in part B of this chapter, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

(c) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85°F.

(d) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.

(e) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(10) Electricity.

(a) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.

(b) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(c) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of Part I, of this standard, for use in damp, hazardous, high temperature, and compressed air environments.

(d) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating mate-

rials, except that metal may be used if it is effectively grounded.

(e) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(f) The use of worn or defective portable and pendant conductors is prohibited.

(11) Sanitation.

(a) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(b) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.

(c) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(12) Fire prevention and protection.

(a) Fire fighting equipment shall be available at all times and shall be maintained in working condition.

(b) While welding or flame-cutting is being done in compressed air, a firewatch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(c) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(d) Fire hose shall be at least 1 1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(e) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(f) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(g) In addition to fire hose protection required by this part, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazards involved. At least two

approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(h) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.

(i) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(j) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(k) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(l) No oil, gasoline, or other combustible materials shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(m) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding subdivision.

(n) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in part T of this chapter.

(13) Bulkheads and safety screens.

(a) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is danger of rapid flooding.

(b) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Part K of this chapter. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(c) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

WSR 01-10-048
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-69—Filed April 26, 2001, 2:57 p.m.]

Date of Adoption: April 6, 2001.

Purpose: To amend WAC 232-12-001, 232-12-071, 232-12-141, 232-28-515, 232-12-004, 232-12-007, 232-12-027, 232-12-271, 232-28-276, 232-12-068, 232-28-248, 232-28-272, 232-28-273, 232-28-02203, 232-28-02205, 232-28-02220, 232-28-02240, 232-28-278 and 232-28-279; adopting WAC 232-28-299, 232-28-290, 232-28-291, 232-28-292 and 232-28-293; and repealing WAC 232-28-258, 232-28-260, 232-12-131, 232-28-274, 232-28-280, and 232-28-281.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-258, 232-28-260, 232-12-131, 232-28-274, 232-28-280 and 232-28-281; and amending WAC 232-12-001, 232-12-071, 232-12-141, 232-28-515, 232-12-004, 232-12-007, 232-12-027, 232-12-271, 232-28-276, 232-12-068, 232-28-248, 232-28-272, 232-28-273, 232-28-02203, 232-28-02205, 232-28-02220, 232-28-02240, 232-28-278, and 232-28-279.

Statutory Authority for Adoption: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530.

Adopted under notice filed as WSR 01-05-135, 01-05-144, 01-05-141, 01-05-138, 01-05-142, 01-05-134, 01-05-140, 01-05-137, 01-05-136, 01-05-143, 01-05-139, 01-05-145, and 01-05-146 on February 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: **WAC 232-12-001 Definition of terms.**

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (5):

- Added the word type to Conibear traps, to avoid use of a brand name and include all traps with similar mechanisms.

WAC 232-12-071 Buying or selling game unlawful.

Changes, if any, from the text of the proposed rule and reasons for difference:

- In the sentence "It is unlawful to offer for sale, sell, purchase, or trade..." the word knowingly was eliminated for clarity.
- Under subsection (c), both "and"s were changed to "or" to make individual items (e.g. gallbladder) stand alone.
- Renumbered the WAC because item (2) must be listed as a separate prohibition because statute (I-713) prohibits the director from issuing a permit for any sale of furs taken with body-gripping traps.

WAC 232-12-141 Wild animal trapping.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (4)(b)(i):

- Added the words, "and Human Services" to "the United States Department of Health" to be consistent with the statute.

Under subsection (4)(b)(ii):

- Corrected the language to be consistent with the statute.

WAC 232-28-515 Trapping seasons and regulations, 232-12-004 Classification of wild birds, 232-12-007 Classification of wild animals, 232-12-271 Criteria for planting aquatic plants and releasing wildlife, 232-28-272 2000-2001, 2001-2002, and 2002-2003 Black bear and cougar hunting seasons and regulations, 232-28-258 Washington auction hunts, 232-28-260 Special hunting seasons, 232-28-291 Special hunting season permits, 232-28-293 PLWMA raffle hunts, 232-12-131 Permits for special hunting and trapping seasons, 232-28-274 2000 Big game and wild turkey auction permits and raffles, 232-28-280 1999 Deer general seasons and 1999 special permits, 232-28-281 1999-2000 Elk general seasons and 1999-2000 special permits, 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five, and 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference:

None.

WAC 232-12-027 Game farm license provisions.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (1):

- Changed possess to possessed to correct a grammatical error.
- Eliminated the wording "by virtue of" and replaced it with the word "under," for clarity.
- Added the word "subsection," for clarity.

Under subsection (6):

- Added the word "inspection" to the second sentence, for clarity.

WAC 232-28-276 2000-01, 2001-02, 2002-03 Official hunting hours and small game seasons.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Hound Hunting During Deer and Elk Hunting Seasons:

- Added except by public safety removal permit to the last sentence, for clarity.

Under the Mountain Quail section:

- Added the word northern to Bobwhite to be consistent with the species name.

Under Turkey Season Special Regulations:

- Bullet item 3 was eliminated because it is covered in another WAC.

Under Canada Goose September Season:

- Eliminate Goose Management Areas 1 and 3 after Western Washington, for clarity.
- Eliminated the last phrase "for cottontail and snowshoe hare (or Washington hare)," to be consistent with the rest of the WAC.

PERMANENT

WAC 232-12-068 Nontoxic shot requirements.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Added OLF Coupeville and Bayview to the line containing Whidbey Island Seaplane Base pheasant release site to better address potential secondary poisoning to bald eagles.

WAC 232-28-248 Special closures and firearm restriction areas.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Firearm Restriction Areas - Franklin, Grant, and Adams counties:

- Changed the wording to read: "That part of GMU 381...", instead of "Those parts of GMU 278 and 381...", this is to correct an error. No part of GMU 278 was supposed to be included in this particular Firearm Restriction Area.

Under Firearm Restriction Areas - Pierce County:

- Changed the note from "see GMU 484" to "see GMU 652," to correct an oversight.

WAC 232-28-299 Mandatory report of hunting activity.

Changes, if any, from the text of the proposed rule and reasons for difference:

Note The WAC number has been changed from WAC 232-28-300 to 232-28-299.

Under subsection (2):

- Eliminated the word raffle to reduce confusion with other types of drawings.
- Added sentence: To be eligible for the drawing, hunters must report their hunting activity for each transport tag acquired. This is to increase compliance for deer, elk, bear, and turkey.
- Added sentence: Bag limit: One additional deer or elk. This is to increase compliance for deer, elk, bear, and turkey.
- The word "special" was added before "incentive permit" to distinguish them from other permits.

Under subsection (2)(c):

- The word may was changed to must because it is a requirement.

Under subsection (3):

- Eliminated the last sentence (There is no penalty for hunters not purchasing a hunting license the previous year.), to reduce confusion.

WAC 232-28-290 Washington raffle hunts.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (6)(b):

- For added clarity the wording was changed to read, "The public must be informed of the date, time, and place of the raffle, and the organization must hold the drawing as specified."

Under subsection (6)(g):

- Require the department's share of the raffle revenue be delivered within 30 days rather than 10 days, to make it consistent with auctions and raffles.

Under subsection (9):

- Changed the wording in the first sentence from "If the winner cannot..." to "If the winner does not...", for clarity.

Under subsection (11):

- Eliminated the sentence, "A hunter may obtain only one hunting license for mountain sheep, mountain goat, or moose annually." This is to correct an oversight, hunters are not restricted to one bighorn sheep, mountain goat, or moose permit in a given license year.

WAC 232-28-292 Washington auction hunts.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under subsection (5)(a):

- For added clarity the wording was changed to read, "The public must be informed of the date, time, and place of the auction and the organization must hold the auction as specified."

Under subsection (5)(e):

- Require the organization to notify the department of the name and address of the successful bidder within 2 days rather than 10 days, to be consistent with auctions and raffles.

Under subsection (7):

- Eliminated the sentence, "A hunter may obtain only one hunting license for mountain sheep, mountain goat, or moose annually." This is to correct an oversight, hunters are not restricted to one bighorn sheep, mountain goat, or moose permit in a given license year.

WAC 232-28-273 2001 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under permit levels for mountain goats:

- Reduce goat permits in Methow to two (2). This is because a low number of goats were observed during the survey in 2000.

Under Who May Apply (for all three species moose, mountain sheep, and mountain goat):

- Added raffle and auction hunts to the end of the section to be consistent with WAC 232-28-290 and 232-28-292.

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three.

Changes, if any, from the text of the proposed rule and reasons for difference:

- GMU 329 Quilomene, added the letters WDFW before the roads 14 and 14.14 for clarification.

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

Changes, if any, from the text of the proposed rule and reasons for difference:

- Elk Area 037 West Bar has been deleted because it is now designated as GMU 330 West Bar.
- A new Elk Area 067 is proposed because damage problems have occurred and a new damage hunt is recommended for this area.

WAC 232-28-278 2000-2002 Deer general seasons and 2001 special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

Under Branched Antler Restrictions:

- The sentence "Applies to all hunters during any open season" should be changed to: "Applies to all hunters during any general season," for clarity.

Under "Youth and Disabled hunters":

- The subtitle "Eastern Washington Mule Deer" was changed to "Eastern Washington Deer" because any deer, whether whitetail or mule deer is legal.
- A new hunting season for youth and disabled hunters was added allowing youth and disabled to take any whitetail during modern firearm deer season in GMUs 204, 209, 215, and any deer in GMUs 209-248, 260 and 269.

Under Advanced Hunter Education Graduate Seasons:

- The GMUs were changed from 127-142 to 130-142 and the legal deer was changed from "Antlerless Only" to "Whitetail, Antlerless Only" to correct an oversight. This is the same restriction as last year. The 127 unit was dropped from AHE to prevent an overlap with late archery deer.

Under "Hunters 65 and over Disabled or Youth Seasons":

- GMU 127 was deleted from the Eastern Washington Mule Deer Seasons to focus pressure on GMU 142 where damage is severe.
- The legal deer for GMU 142 was changed from "Any Mule Deer" to "Mule deer, 3 pt. min. or antlerless." This change was made to be consistent with the antler point requirement for whitetail deer in the same unit.

Under Early Archery Mule Deer:

- Game Management Units open September 1-30 were changed from "101 through 127, 204 through 247, 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372" to "101 through 127, 204, 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372." The September 1-15 early archery mule deer seasons were changed from "GMUs 130 through 154, 162 through 178, 181, 186, 248, 254, 266, 269, 272, 278, 284, 381, 382" to "130 through 154, 162 through 178, 181, 186, 209 through 242, 248, 254, 266, 269, 272, 278, 284, 381, 382." The September 16-30 archery mule deer seasons were changed from "130 through 154, 162 through 178, 248, 254, 266, 269, 272, 278, 284, 381, 382" to "130 through 154, 162 through 178, 209 through 242, 248, 254, 266, 269, 272, 278, 284, 381, 382." These changes were made to allow archers to take antlerless mule deer in GMUs 209 through 242 during the period September 16-30.

- Eliminated the Bangor Submarine Base from the open hunting area for persons of disability because the Navy will not allow hunting on the Base this year.

Under Early Archery Eastern Washington Whitetail

Deer:

- The legal deer for GMUs 101 through 124, 204 through 284, was changed from "Any deer" to "Any whitetail Deer" to clarify the legal deer.
- In GMUs 127 through 154, 162 through 186, the legal deer was changed from "3 pt. min. or antlerless" to "Whitetail, 3 pt. min. or antlerless" to clarify the legal deer.

Under late Archery Deer Seasons:

- The ending date for Eastern Washington Mule Deer was errantly listed as December 15 for GMUs 209, 215, 233, 243, 250, 346, 352 the ending date should be December 8 as it was last year.
- Under Early Muzzleloader Deer Seasons, GMU 381 was added to the early Whitetail Deer seasons for any buck and Mule Deer for 3 pt. min. and in late muzzleloader season Mule Deer 3 pt. min. or antlerless. This unit was opened to muzzleloaders for whitetail so mule deer were added to allow taking of whitetail or mule deer during this season.
- Under Special Deer Permit Hunting Seasons the Steptoe hunt special restrictions were changed from "Whitetail, Antlerless" to "Antlerless" to allow taking of antlerless mule deer.
- The permit level for Mayview was changed from 500 to 700 because of damage complaints.
- The boundary description for Prescott B was changed from "That portion of GMU 149 north of Hwy 261" to "That portion of GMU 149 north and east of Hwy 261" for clarification.
- The legal deer for Blue Mountains A and B was changed from whitetail, 3 pt. min or antlerless to any whitetail.

Under Modern Firearm Permit Hunts:

- Permit quotas for the following hunts were changed because of improved buck ratios and the opportunity to take more bucks, the changes are as follows:
 - Chewuch from 15 to 30
 - Pearygin from 15 to 35
 - Gardner from 15 to 25
 - Chiliwist from 5 to 25
 - Alta from 15 to 30
- The permit quota for Beezley East was changed from 200 to 300. This change was made because of recent damage complaints in the area.

Under Muzzleloader Only Deer Permit Hunts:

- The boundary description for Blue Mtns Foothills C was changed from "GMUs 149-154, 162-166" to "149, 154, 162-166," this was changed because there is no unit between 149 and 154.

Under Special Deer Permit Hunts for Hunters 65 or older:

- The boundary description was changed from "GMUs 145-149, 181" to "145, 149, 181," because there is no unit between 145 and 149.

Under Special Youth Deer Permit Hunts:

- The following letter designations were added to hunts to separate hunt opportunities, the changes are as follows:
 - Quilomene "D"
 - Umtanum "D"
 - Wind River "C"
 - Satsop "C"
 - Skookumchuck from "D" to "C"

The following changes to permit quotas were adjusted to reflect changes in hunter success and allocation for each user group. The ending dates were changed to prevent an overlap with late archery elk seasons.

- The hunt dates for Quilomene A were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 92 to 100.
- The hunt dates for Umtanum A were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 95 to 90.
- The hunt dates for Alkali A were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 89 to 80.
- The hunt dates for Alkali B were changed from Nov 8-23 to Nov 7-22 and the permit level changed from 25 to 75.
- The hunt dates for Green River A were changed from Oct 7-13 to Oct 6-10 and permit level increased from 10 to 20.
- Added superscript a to the Green River hunt and added the footnote, Green River deer and elk permit hunters may hunt bear and cougar in GMU 485, during the permit season, with bear and cougar tags.
- Changed the asterisk to superscript b for both GMUs 504 and 554.
- Changed the asterisks for Pysht to superscript c.
- The legal deer for East Klickitat was changed from 3 pt min or antlerless to any deer.
- The Sinlahekin B and Pogue B Archery deer permit hunts were dropped because early archery deer seasons Sept. 16-30 were changed to include antlerless opportunity.
- Changed the footnote asterisks to letter footnotes for clarification.
- Under Muzzleloader Only Deer Permit Hunts the permit quota for Desert C was changed from 3 to 4.
- The permit quota for Quilomene B was changed from 15 to 11.
- The permit quota for Umtanum B was changed from 8 to 9.
- The permit quota for Alkali C was changed from 15 to 12.
- The permit quota for Alkali D was changed from 5 to 8.
- The hunt name Mason Lake was changed to "Mason Lake B."
- The hunt name Satsop was changed to "Satsop C."
- The legal deer for Blue Mtns. Foothills C was changed from Whitetail, 3 pt. min or antlerless to any whitetail.
- Under Archery Only Deer Permit Hunts the permit quota for Desert D was changed from 45 to 62.

- The Quilomene C and Umtanum C hunts were changed from Nov. 21-Dec. 8 to Nov. 23-Dec. 8, to avoid an overlap with modern firearm permit hunts.
- The permit quota for Quilomene C was changed from 146 to 126.
- The permit quota for Umtanum C was changed from 55 to 45.
- The hunt dates for Alkali E were changed from Nov 21 to Dec 8 to Nov 23 to Dec 8 and the permit level changed from 60 to 90. Date changed to prevent an overlap with modern firearm elk season.
- Under Special Permit Hunts for Hunters 65 or older the boundary description for the Blue Mtn Foothills D hunt was changed from GMUs 145-149, 163, 178, 181 to GMUs 145-149, 181.
- Under Special Youth Deer Permit Hunts the following permit hunts were deleted: East Okanogan B, West Okanogan B, Sinlahekin C, Pearygin B, Gardner B, Chiliwist B, Alta B, Big Bend B, Foster Creek, and Moses Coulee B. These permit hunts were replaced by general antlerless opportunity for youth in modern firearm deer seasons.
- The letter "D" was added after Quilomene and Umtanum hunts. The letter "C" was added after Wind River, Satsop, and Skookumchuck hunts for clarification.

WAC 232-28-279 2000-2002 Elk general seasons and 2001-2002 special permits.

Changes, if any, from the text of the proposed rule and reasons for difference:

- The year 2000 should be 2001 in the Bag Limit section.
- Under Elk Tag Areas the last sentence, "The Northwest, Blue Mountains..." was deleted. This sentence no longer applies because all of eastern Washington is on tag area.
- GMU 371 (Alkali) was dropped from the spike only GMUs because the unit is not open in general seasons.
- The Harvest Report Card section was deleted because it is now covered in another WAC.
- Added GMU 371 (Alkali) as a permit only unit in eastern Washington, for clarification.
- The "Hunting Method" for archery was modified to read, "Bow and arrow only as defined by WAC 232-12-054." for clarification.
- In Early Archery Elk Seasons, the first entry (GMUs 101 through 109, 121 through 142, 243, 247, 249, 250, 334) was changed to GMUs 101 through 142, 243, 247, 249, 250, 334.
- The legal elk for GMUs 113-117 in the Early Archery Elk Season was changed from any bull to any elk. These corrections were made because elk transplants to northeast Washington (GMU 117) have been successful, the elk have settled, and we now can open the season to any elk for archers.
- Under Early Archery Elk Seasons for western Washington, the open GMUs were changed for 3 pt. min. or antlerless from "407, 448, 501 through 673, 684, and Long Island," to "407, 408, 501 through

505, 550, 554, 558, 560, 572, 654, 660, 663, 667 through 673, 684 and Long Island."

- Under the Early Archery Elk seasons for western Washington, the open GMUs were changed for 3 pt. min. from "460, 466, 510, 513, 516, 601, 602, 603, 612 through 648, 624 through 633, 638 through 651, 652, 653, 658, 666, 681" to "460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 612 through 618, 624 through 633, 638 through 651, 652, 653, 658, 666, 681." This changes was made to drop antlerless opportunity in early archery elk seasons in GMUs 506, 520 and 530.
- In Late Archery Elk Seasons, GMUs 101, 105, 121 through 127 was changed to GMUs 101, 105, 117 through 127.
- Also in Late Archery Elk Seasons, the listing for GMU 117 was deleted because it was incorporated in the listing above.
- Under western Washington Late Archery Elk Seasons, the open units for 3 pt. min. were changed from "506, 520, 530, 603, 612, 615, 638, 648, and 652" to "603, 612, 615, 638, 648, and 652."
- Added GMUs 506, 520, 530 to 3 pt. min. or antlerless, Nov. 21-Dec. 2, 2001, Nov. 20-Dec. 1, 2002. Added GMUs 506, 520, 530 to 3 pt. min. hunts Dec. 3-15, 2001, and Dec. 2-15, 2002. These changes were made to allow archers to take antlerless elk Nov. 21-Dec. 2, 2001 and Nov. 20-Dec. 1, 2002 instead of during early seasons that may be subject to access restrictions.
- The "Hunting Method" for muzzleloader was modified to read, "Muzzleloader only as defined by WAC 232-12-051." for clarity.
- Under Early Muzzleloader Elk Seasons change the legal elk from antlerless to spike or antlerless in "That part of GMU 368..." This was made because the unit is already open to spike bull hunting at this time.
- Under Western Washington Early Muzzleloader Elk Seasons GMU 501 was listed under both the 3 pt. min. and 3 pt. min. or antlerless seasons. It should be dropped from the 3 pt. min. season.
- Under Late Eastern Washington Muzzleloader Elk Seasons the following hunt was added: GMUs 101, 105, 121, that part of GMU 124 west of Hwy 395, Oct. 27-Nov. 4, 2001, Oct. 28-Nov. 3, 2002, open for any elk. This change was made to give all 3 user groups hunting opportunities in this area.
- In the Special Elk Hunts Open to Specified Tag Holders, the hunts in GMUs 127-142 and Grant, Adams, Douglas, Franklin, Okanogan, and Benton counties etc. should allow the EA, EM, or EF elk tag. This change allows all these user groups to hunt these areas.
- The two ML Area 941 hunts (one for muzzleloader and the other for archery) were proposed to be dropped but are now proposed to be open to help alleviate damage complaints.

The following corrections were made to the Special Elk Permit Hunting Seasons because of recent field survey infor-

mation and hunter report success information. All the asterisks were changed to superscripts for ease of reading and clarification.

- The permit quota for Blue Creek A was changed from 4 to 3.
- In the Dayton A modern firearm bull permit hunt, the boundary description was changed from "Part of GMU 162 and 163****" to "GMU 162." This is not a change from last year.
- The permit quota for Mtn. View A was changed from 7 to 8.
- The West Bar A and B Spike bull permit hunts were deleted because of poor bull ratios in the Colockum herd.
- The permit quota for Peaches Ridge A was changed from 69 to 86.
- The permit quota for Observatory A was changed from 46 to 48, special restrictions changed from any bull to any elk, and GMU 371 was added to the boundary description. Also, the permit hunt was moved to the Modern Firearm Elk permit hunts on the following page. This change was made to allow hunters to take any elk.
- The permit quota for Goose Prairie A was changed from 206 to 176.
- The permit quota for Bethel A was changed from 135 to 120.
- The permit quota for Rimrock A was changed from 108 to 103.
- The permit quota for Cowiche A was changed from 28 to 26.
- The permit hunt for Margaret A was changed from 19 to 18.
- The permit quota for Toutle A was changed from 85 to 90.
- The permit quota for Olympic A was changed from 13 to 21.
- The phrase "North and west of Jimmy Come Lately Creek and Grey Wolf River and" was deleted from the footnote.
- Under Modern Firearm Elk Permit Hunts, the date for the Three Forks hunt was changed from Oct 22-Nov 4 to Oct 27-Nov 4.
- The date for the Mount Spokane hunt was changed from Oct 22-Nov 4 to Oct 27-Nov 4.
- The date for the Blue Creek E hunt was changed from Oct 22-Nov 4 to Oct 27-Nov 4.
- The name Payton was changed to Dayton A and the dates for the hunt changed from Oct 22-Nov 4 to Oct 27-Nov 4, the permit quota changed from 75-100.
- The permit quota for Shushuskin was changed from 50 to 75.
- The permit quota for Malaga B was increased from 37 to 75.
- A new hunt Peshastin A was added Dec. 1-31, Any Elk, EF or EM tag, Elk Area 033 for 5 permits. This hunt is recommended for damage control.
- The hunt West Bar changed to West Bar A Oct. 22-31. A new hunt West Bar B was added Nov. 1-4, antlerless, EF or EM in GMU 330 for 10 permits.

- The permit quota for Umtanum A was changed from 440 to 400.
- A new hunt Cleman, Dec 9-31, Antlerless, EF or EM, ML Area 944, with 75 permits was added for damage control.
- The permit quota for Little Naches A was changed from 270 to 250.
- The permit quota for Nile was changed from 250 to 300.
- The permit quota for Bumping was changed from 500 to 530.
- The permit quota for Bethel B was changed from 250 to 275.
- The permit quota for Rimrock B was changed from 255 to 275.
- The permit quota for Cowiche B was changed from 160 to 180.
- The hunt Alkali A was deleted because this GMU was included in the Observatory hunt.
- The date for the Willapa Hills hunt was changed from Nov 8-12 to Nov 7-11.
- The Raymond C hunt permit quota changed from 10 to 15.
- The Raymond D hunt permit quota changed from 10 to 15.
- The year for the Raymond D hunt was added to correct an oversight.
- A new hunt Raymond E, Feb. 1-28, 2002, Antlerless, WF or WM, Part of GMUs 506 and 673, and 15 permits, was added for damage control.
- The Dungeness A hunt was changed from Nov 7-11 to Nov 28-Dec 2 and the permit quota changed from 9 to 6.
- The Dungeness B hunt was changed from Nov 7-11 to Dec 5-9, 3 pt min changed to antlerless, and permit quota changed from 4 to 6.
- A new hunt, Dungeness C was added. Dates Dec 12-16; Antlerless, WF or WM, Part of GMU 621, and 6 permits.
- The year 2002 was added to the Puyallup A hunt.
- The hunt "Minot" was changed to "North Minot" and the boundary changed from "Part of GMU 660" to "Elk Area 067."
- The year 2002 was added to the date Jan 15-23 for the Deschutes A hunt.
- Under Muzzleloader Bull Permit Hunts the permit quota for Mountain View B was changed from 2 to 1.
- The permit quota for Peaches Ridge B was changed from 9 to 11.
- Observatory B special restrictions changed from any bull to any elk and GMU 371 added to the hunt area and the hunt moved to the next table, Muzzleloader Permit Hunts.
- The permit quota for Goose Prairie B was changed from 26 to 22.
- The permit quota for Bethel C was changed from 18 to 17.
- The permit quota for Rimrock C was changed from 14 to 13.
- The Alkali hunt was deleted because it was combined with units in Observatory.
- The permit quota for Toutle C was changed from 16 to 15.
- The permit quota for the Olympic B hunt changed from 2 to 3.
- The Dungeness C hunt was deleted.
- The permit quota for Columbia A and B were increased from 40 to 50 in both hunts for damage control.
- The legal elk for West Bar C was changed from Spike Bull to Antlerless.
- The Alkali B hunt was deleted because GMU 371 was added to the Observatory hunt.
- The year 2001 was replaced by the year 2002 for the Mossyrock A, Randle A, and Boistfort hunts.
- A new hunt for Peshastin B was added after Malaga D as follows: Peshastin B, Aug. 18-Sept. 23, Antlerless, EM, Elk Area 033, 20 permits.
- The hunt name Minot Peak was changed to "North Minot B" and the boundary changed from "GMU 660***" to "Elk Area 067."
- The permit quota for Raymond A was increased from 10 to 15 for damage control.
- The two asterisk footnote below the table was changed from "That part of GMU 162 east of North Touchet Rd, outside National Forest." to superscript n "That part of GMU 162 east of North Touchet Rd excluding National Forest. Mostly private land, winter road closures in GMU 162."
- The three asterisk footnote "That part of GMU 660..." was deleted.
- Under Archery Bull Permit Hunts: (The title was changed to Archery Permit Hunts because some of the permit hunts are not restricted to bulls.)
 - The permit quota for Dayton C was changed from 7 to 4.
 - The permit quota for Tucannon C was changed from 3 to 1.
 - The permit quota for Wenah D^a was changed from 3 to 2.
 - The permit quota for Mtn. View C was changed from 8 to 6.
 - The permit quota for Peaches Ridge C was changed from 53 to 88.
- The permit quota for Observatory C was changed from 28 to 40, special restrictions changed from any bull to any elk and GMU 371 was added to the hunt area.
- The permit quota for Goose Prairie C was changed from 138 to 267.
- The permit quota for Bethel D was changed from 87 to 100.
- The permit quota for Rimrock D was changed from 56 to 87.
- The permit quota for Cowiche D was changed from 22 to 20.
- The hunt "Alkali" was deleted because GMU 371 was added to the Observatory hunt.
- The permit quota for Margaret D was changed from 6 to 8.

- The permit quota for Toutle D was changed from 42 to 55.
- The permit quota for Olympic C was changed from 3 to 6.
- The year 2002 was added to the date for the Mashel B hunt to correct an error.
- The permit quota for Raymond B was changed from 10 to 15.
- The Raymond A hunt was dropped because it was replaced by a muzzleloader hunt.
- The Dungeness D hunt was deleted, as a result of negotiations with Pt. No Pt. Treaty Council.
- The hunt name "Puy-muck" was changed to "Tan-wax."
- Under Advanced Hunter Education Permit Hunts the South Bank A hunt was deleted.
- The single asterisk footnote "Firearm Restriction Area - Hunters may use only muzzleloader equipment" was deleted.
- The South Bank B hunt was deleted because it was replaced by Chehalis Valley.
- The two Skookumchuck hunts were labeled Skookumchuck A and Skookumchuck B for clarification.
- The permit quota for Centralia Mine A and B was reduced from 4 to 2 for each hunt because some of the hunt area will be mined.
- The boundary for Chehalis Valley D was changed from "GMU 667" to "Elk Area 066."
- The three asterisk footnote was deleted.

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 5, Amended 19, Repealed 6.

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.

April 26, 2001

Debbie Nelson

for Russ Cahill, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 00-134, filed 7/31/00, effective 8/31/00)

WAC 232-12-001 Definition of terms Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is

required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(2) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(3) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(4) "Handgun" means any pistol, revolver or short fire-arm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(5) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear-type traps, neck snares, and non-strangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

(6) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(7) "Padded foot-hold trap" means a trap designed and set to grip the foot of a wild animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 177, filed 1/28/82)

WAC 232-12-071 Buying or selling game unlawful.

Unless prohibited by federal regulations, nonedible parts of wild animals, game birds or game fish lawfully taken may be offered for sale, sold, purchased or traded, **except**,

(1) It is unlawful to offer for sale, sell, purchase or trade the following unless authorized by a written permit issued by the director: ((cougar, mountain sheep, mountain goat, velvet antlers of deer or elk or the gall bladder, claws and teeth of bear, except those claws and teeth permanently attached to a full bear skin or mounted bear, unless the offer for sale, sale, purchase or trade is authorized by a written permit issued by the director.))

(a) nonedible parts of cougar, bighorn sheep, or mountain goat.

(b) velvet antlers of deer or elk.

(c) gall bladder, claws, or teeth of bear, except those claws or teeth permanently attached to a full bear skin or mounted bear.

(2) It is unlawful to knowingly buy, sell, or otherwise exchange, or offer to buy, sell, or otherwise exchange the raw fur or carcass of a wild animal trapped in Washington with a body-gripping trap, whether or not pursuant to permit.

AMENDATORY SECTION (Amending Order 00-197, filed 9/27/00, effective 10/28/00)

WAC 232-12-141 Wild animal trapping (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit pursuant to WAC 232-12-064.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped wild animals must be lethally dispatched or immediately released. A firearm may be used to dispatch trapped animals.

(4) It is unlawful to trap for wild animals:

(a) ~~((By any means other than padded foot hold traps having a minimum rubber pad thickness of one eighth inch, unpadded foot hold traps, cage (live) traps, kill traps and snares-))~~ with body-gripping traps, EXCEPT as provided for in subsection (b).

~~((b) With an unpadded foot hold trap, unless the trap has jaws with a minimum jaw face width of one fourth inch, or the trap is set so that it completely submerges and drowns any trapped animal, except that unpadded foot hold traps not meeting the one fourth inch jaw face requirement may be used on nondrowning sets on private property with landowner permission for the purpose of protecting livestock, domestic animals, private property, or public safety.~~

~~(e) With a steel trap having a jaw spread exceeding seven and one half inches, except that a kill trap having a jaw spread exceeding seven and one half inches is lawful when set beneath the water surface.~~

~~(d) On dry land, with a nondrowning set with a No. 3 size or larger unpadded foot hold trap if it does not have jaw spacing of at least three sixteenth of one inch when the trap is sprung-~~

~~(e) With a steel trap with teeth or serrated edges-))~~

(b) Conibear-type traps in water, non-strangling foot snares, and padded foot-hold traps may be used for the following purposes with a permit issued by the Director:

(i) To protect public health and safety, in consultation with the Department of Social and Health Services or the United States Department of Health and Human Services.

(ii) To abate damages caused to private property, domestic animals, livestock or timber, that cannot be reasonably abated by nonlethal control tools. Any person requesting a damage control permit must apply in writing, stating the threat or damages, the nonlethal control methods attempted or why they cannot be applied, and agree to use the above traps for no more than thirty days under the permit granted.

(iii) To protect threatened or endangered species, if such traps are used by Department employees or agents.

(iv) To conduct wildlife research. EXCEPT that Conibear-type traps are prohibited for this purpose.

~~((f)) (c) Unless kill traps(-, including foot hold drowning sets-))~~ are checked and animals removed within seventy-two hours.

~~((g)) (d) Unless animals captured in restraining traps (any nonkilling set) are removed within twenty-four hours of capture.~~

~~((h) With a neck or body snare attached to a spring pole or any spring pole type of device-))~~

~~((i)) (e) Using game birds, game fish or game animals for bait, except nonedible parts of game birds, game fish or game animals may be used as bait.~~

~~((j)) (f) Within thirty feet of any exposed meat bait or nonedible game parts which are visible to flying raptors.~~

(5) Game bird feathers may be used as an attractor.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 00-197, filed 9/27/00, effective 10/28/00)

WAC 232-28-515 Trapping seasons and regulations.
Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depreddating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat, Red Fox, and Weasel	November 18, 2000	February 15, 2001
	November 17, 2001	February 15, 2002
	November 16, 2002	February 15, 2003
Marten, Mink, Muskrat, and Raccoon	November 18, 2000	January 31, 2001
	November 17, 2001	January 31, 2002
	November 16, 2002	January 31, 2003
Beaver and River Otter	December 9, 2000	February 15, 2001
	December 8, 2001	February 15, 2002
	December 14, 2002	February 15, 2003

PERMANENT

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

Island County
The red fox season is closed.

Lewis County
Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

Skagit and Whatcom counties
Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.

Skamania County
The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
Badger, Beaver, Bobcat, Mink, Muskrat, Raccoon, Red Fox, and Weasel	November 11, 2000	February 28, 2001
	November 10, 2001	February 28, 2002
	November 9, 2002	February 28, 2003
Marten	December 15, 2000	January 31, 2001
	December 15, 2001	January 31, 2002
	December 15, 2002	January 31, 2003
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 11, 2000	February 28, 2001
	November 10, 2001	February 28, 2002
	November 9, 2002	February 28, 2003

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

Chelan County
Beaver season is closed in Swakane and Mudd Creek drainages.

Kittitas County
Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or ((foot-hold;)) kill((-or snare)) traps ((except muskrat and mink may be taken with a number one and one half foot hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the fish and wildlife commission. In these areas all traps or devices, not capable of killing the animal must be checked and the animal removed within 24 hours.)) **except by permit under WAC 232-12-141.**

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pioneer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

AMENDATORY SECTION (Amending Order 491, filed 5/2/91, effective 6/2/91)

WAC 232-12-004 Classification of wild birds (1)

Game birds include:

Common Name	Scientific Name
migratory waterfowl	Anatidae
<u>wild</u> turkey	<i>Meleagris gallopavo</i>
blue grouse	((Dendragapus)) <i>Falcipennis obscurus</i>
spruce grouse	<i>Dendragapus canadensis</i>
ruffed grouse	<i>Bonasa umbellus</i>
"Forest grouse" means blue, spruce, or ruffed grouse	
sharp-tailed grouse	<i>Tympanuchus phasianellus</i>
((sage grouse)) <u>greater sage-grouse</u>	((Centrocercus)) <i>Centrocercus urophasianus</i>
white-tailed ptarmigan	<i>Lagopus leucurus</i>
California quail	<i>Callipepla ((californicus)) californica</i>
mountain quail	<i>Oreortyx pictus</i>
<u>northern</u> bobwhite ((quail))	<i>Colinus virginianus</i>
scaled quail	<i>Callipepla squamata</i>
chukar	<i>Alectoris chukar</i>
ring-necked pheasant	<i>Phasianus colchicus</i>
Gray (Hungarian) partridge	<i>Perdix perdix</i>

PERMANENT

Common Name	Scientific Name
"Upland bird" means quail, chukar, pheasant, or partridge	
<u>American</u> coot	<i>Fulica americana</i>
common snipe	((Capella)) <i>Gallinago gallinago</i>
band-tailed pigeon	<i>Columba fasciata</i>
mourning dove	((Zenaidura)) <i>Zenaida macroura</i>

(2) Predatory birds include:

Common Name	Scientific Name
<u>black-billed</u> magpie	<i>Pica</i> ((pica)) <u>hudsonia</u>
<u>American</u> crow	<i>Corvus brachyrhynchos</i>
<u>European</u> starling	<i>Sturnus vulgaris</i>
((House)) <u>house</u> (English) sparrow	<i>Passer domesticus</i>

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 614, filed 10/14/93, effective 11/14/93)

WAC 232-12-007 Classification of wild animals (1) Game animals include:

Common Name	Scientific Name
eastern cottontail	<i>Sylvilagus floridanus</i>
Nuttall's cottontail	<i>Sylvilagus nuttallii</i>
snowshoe hare	<i>Lepus americanus</i>
white-tailed jackrabbit	<i>Lepus townsendii</i>
black-tailed jackrabbit	<i>Lepus californicus</i>
fox	<i>Vulpes vulpes</i>
black bear	<i>Ursus americanus</i>
raccoon	<i>Procyon lotor</i>
cougar	((Felis)) <i>Puma concolor</i>
bobcat	<i>Lynx rufus</i>
Roosevelt and Rocky Mountain elk	<i>Cervus elaphus</i>
mule deer and black-tailed deer	<i>Odocoileus hemionus</i>
white-tailed deer	<i>Odocoileus virginianus</i>
moose	<i>Alces alces</i>
pronghorn	<i>Antilocapra americana</i>
mountain goat	<i>Oreamnos americanus</i>
California and Rocky Mountain bighorn sheep	<i>Ovis canadensis</i>
bullfrog	<i>Rana catesbeiana</i>

(2) Furbearing animals are game animals and include:

Common Name	Scientific Name
beaver	<i>Castor canadensis</i>
muskrat	<i>Ondatra zibethicus</i>
fox	<i>Vulpes vulpes</i>
raccoon	<i>Procyon lotor</i>
marten	<i>Martes americana</i>
short-tailed weasel or ermine	<i>Mustela erminea</i>
long-tailed weasel	<i>Mustela frenata</i>
mink	<i>Mustela vison</i>
badger	<i>Taxidea taxus</i>
river otter	<i>Lutra canadensis</i>
bobcat	<i>Lynx rufus</i>

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 520, filed 11/22/91, effective 12/23/91)

WAC 232-12-027 Game farm license provisions. It is unlawful to operate a game farm without a current, valid Washington state game farm license.

(1) Game farms licensed prior to January 1, 1992, may continue to possess, propagate, sell and transfer wildlife they lawfully ~~((possess))~~ possessed on January 1, 1992, ~~((by virtue of))~~ under their license issued by the department. Transfers of wildlife other than those species listed under ~~((2))~~ subsection (2) are restricted to licensed game farms authorized by written license to possess said wildlife.

(2) Game farms licensed on or after January 1, 1992, may purchase, possess, propagate, sell or transfer the following wildlife:

(a) Game birds - pheasant, of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar ~~((partridge))~~ of the genus *Alectoris*; quail of the genus ~~((Lophortyx))~~ *Colinus*, *Callipepla*, and *Oreortyx*; waterfowl of the family *Anatidae*.

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director or designee of the director may issue, with conditions or restrictions, a game farm license, if the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where wildlife will be held.

PERMANENT

(5) Holders of a game farm license must make annual reports no later than the 15th of January to the director on forms to be furnished by the department.

(6) A licensed game farm must be inspected annually. All inspection costs will be paid by the licensee. The inspection must occur during the months of June, July, or August. An inspection form will be provided by the department and must be completed and signed by a licensed veterinarian or an agent authorized by the department. The inspection form must accompany the annual report and be submitted to the director no later than the 15th day of January.

(7) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

AMENDATORY SECTION (Amending Order 521, filed 11/22/91, effective 12/23/91)

WAC 232-12-271 Criteria for planting aquatic plants and releasing wildlife (1) Release by persons other than the director. It is unlawful for persons other than the director to plant aquatic plants or release any species, subspecies, or hybrids of animals which do not already exist in the wild in Washington. If such species, subspecies, or hybrid does already exist in the wild in Washington, it may be released within its established range by persons other than the director, but only after obtaining a permit from the director.

(a) Application for a permit must be made on a form provided by the department. It must be submitted at least thirty days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(b) Permits will only be issued if the director determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(c) Each permit shall require that at least thirty days prior to planting or release of wildlife or aquatic plants they must be made available for inspection by the director. It shall be the responsibility of the applicant to show that the wildlife will not pose a disease threat. If the director is not satisfied that the wildlife or aquatic plants do not pose a disease threat, they shall not be released or planted in the state. Director approval for release or planting may be withdrawn for cause.

(d) Each permit shall require that an applicant intending to release wildlife in the state shall report immediately to the director the outbreak of any disease among the wildlife intended to be released. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(e) Each permit shall require that wildlife to be released shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the director or as required in WAC 232-12-044.

(f) Legally acquired pheasant of the genus (~~Phasianus~~) *Phasianus*; gray partridge of the genus (~~Pardix~~) *Pardix*;

chukar (~~partridge~~) of the genus (~~Alectoris~~) *Alectoris*; quail of the genus (~~Lophortyx~~) (~~Callipepla~~) *Callipepla* and (~~Colinus~~) *Colinus*; and (~~mallard ducks of the species~~) mallards (~~Anas platyrhynchos~~) (*Anas platyrhynchos*) may be released without a permit for purposes of dog training, and hunting pursuant to WAC 232-12-044. Game birds released for these purposes must be purchased from facilities that have been inspected by a certified veterinarian within the past twelve months.

(2) Release by the director. The director may plant aquatic plants or release animal species, subspecies, or hybrids which have been planted or released previously in Washington if they do not pose a disease threat and if planting or release will not cause adverse impact on the wildlife or wildlife habitat of the state. Before releasing any species, subspecies, or hybrid of animal not already existing in the wild in Washington, the director shall report to the commission on the planned release, stating the basis for determining that the planned release fulfills the criteria set forth herein. The director may release nonnative species, subspecies, or hybrids not previously released in Washington only if the director in his or her sole discretion has determined that:

(a) There is no reasonable expectation of adverse impact on the wildlife or wildlife habitat of the state and there is an adequate plan for evaluating such impact following the release;

(b) The commission has classified the species, subspecies, or hybrids to be released pursuant to RCW 77.12.020;

(c) Suitable habitat is available;

(d) The nonnative species, subspecies, or hybrids to be released are free of exotic pathogens;

(e) The release serves the public interest.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons

2000-01 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS.*
September 1, 2000 to January 31, 2001

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time						
Fri. Sept. 1 - Sun. Sept. 3	6:00		7:50	5:45		7:35
Mon. Sept. 4 - Sun. Sept. 10	6:05		7:40	5:55		7:25
Mon. Sept. 11 - Sun. Sept. 17	6:15		7:25	6:05		7:10
Mon. Sept. 18 - Sun. Sept. 24	6:25		7:10	6:10		7:00
Mon. Sept. 25 - Sun. Oct. 1	6:35		6:55	6:20		6:45
Mon. Oct. 2 - Sun. Oct. 8	6:45		6:40	6:30		6:30
Mon. Oct. 9 - Sun. Oct. 15	6:55		6:25	6:40		6:15
Mon. Oct. 16 - Sun. Oct. 22	7:05		6:15	6:50		6:00
Mon. Oct. 23 - Sat. Oct. 28	7:10		6:05	7:00		5:50
Pacific Standard Time						
Mon. Oct. 30 - Sun. Oct. 29	6:20		5:00	6:05		4:45
Mon. Nov. 5 - Sun. Nov. 12	6:25		4:50	6:10		4:40
Mon. Nov. 6 - Sun. Nov. 13	6:35		4:40	6:25		4:30
Mon. Nov. 13 - Sun. Nov. 19	6:45		4:30	6:35		4:20
Mon. Nov. 20 - Sun. Nov. 26	6:55		4:25	6:45		4:15
Mon. Nov. 27 - Sun. Dec. 3	7:05		4:20	6:55		4:10
Mon. Dec. 4 - Sun. Dec. 10	7:15		4:20	7:00		4:05
Mon. Dec. 11 - Sun. Dec. 17	7:20		4:20	7:10		4:05
Mon. Dec. 18 - Sun. Dec. 24	7:25		4:20	7:10		4:10
Mon. Dec. 25 - Sun. Dec. 31	7:25		4:25	7:15		4:10
Mon. Jan. 1 - Sun. Jan. 7	7:30		4:30	7:15		4:20
Mon. Jan. 8 - Sun. Jan. 14	7:25		4:40	7:15		4:30
Mon. Jan. 15 - Sun. Jan. 21	7:20		4:50	7:10		4:40
Mon. Jan. 22 - Sun. Jan. 28	7:15		5:00	7:00		4:50
Mon. Jan. 29 - Wed. Jan. 31	7:10		5:05	6:55		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-02 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS.*
September 1, 2001 to January 31, 2002

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time						

PERMANENT

2001-02 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS.*
September 1, 2001 to January 31, 2002

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.				
Sat. Sept. 1 - Sun. Sept. 2	6:00		7:50	5:45		7:40				
Mon. Sept. 3 - Sun. Sept. 9	6:05		7:40	5:50		7:30				
Mon. Sept. 10 - Sun. Sept. 16	6:15		7:25	6:00		7:15				
Mon. Sept. 17 - Sun. Sept. 23	6:20		7:10	6:10		7:00				
Mon. Sept. 24 - Sun. Sept. 30	6:30		6:55	6:20		6:45				
Mon. Oct. 1 - Sun. Oct. 7	6:40		6:45	6:30		6:30				
Mon. Oct. 8 - Sun. Oct. 14	6:50		6:30	6:40		6:15				
Mon. Oct. 15 - Sun. Oct. 21	7:00		6:15	6:50		6:05				
Mon. Oct. 22 - Sat. Oct. 27	7:10		6:05	7:00		5:50				
Pacific Standard Time										
Mon. Oct. 29 - Sun. Oct. 28	6:15		5:00	6:05		4:45				
Mon. Nov. 5 - Sun. Nov. 4	6:20		4:50	6:10		4:40				
Mon. Nov. 12 - Sun. Nov. 11	6:35		4:40	6:20		4:30				
Mon. Nov. 19 - Sun. Nov. 18	6:45		4:35	6:30		4:20				
Mon. Nov. 26 - Sun. Nov. 25	6:55		4:25	6:45		4:15				
Mon. Dec. 3 - Sun. Dec. 2	7:05		4:20	6:50		4:10				
Mon. Dec. 10 - Sun. Dec. 9	7:10		4:20	7:00		4:05				
Mon. Dec. 17 - Sun. Dec. 16	7:20		4:20	7:05		4:05				
Mon. Dec. 24 - Sun. Dec. 23	7:25		4:20	7:10		4:05				
Mon. Dec. 31 - Sun. Dec. 30	7:25		4:25	7:15		4:10				
Mon. Jan. 7 - Sun. Jan. 6	7:25		4:30	7:15		4:20				
Mon. Jan. 14 - Sun. Jan. 13	7:25		4:40	7:15		4:25				
Mon. Jan. 21 - Sun. Jan. 20	7:20		4:45	7:10		4:35				
Mon. Jan. 28 - Sun. Jan. 27	7:15		4:55	7:05		4:45				
Mon. Jan. 28 - Thur. Jan. 31	7:10		5:05	7:00		4:55				

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (~~except areas north of U.S. Highway 12 and west of U.S. Highway 101~~), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

2002-2003 OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS.*
 September 1, 2002 to January 31, 2003

Dates (Inclusive)				Western Washington		Eastern Washington	
				from	to	from	to
				A.M.	P.M.	A.M.	P.M.
				Daylight Savings Time			
Mon.	Sept. 2	-	Sun. Sept. 1	6:00	7:50	5:45	7:40
Mon.	Sept. 9	-	Sun. Sept. 8	6:00	7:45	5:45	7:30
Mon.	Sept. 16	-	Sun. Sept. 15	6:10	7:30	6:00	7:15
Mon.	Sept. 23	-	Sun. Sept. 22	6:20	7:15	6:10	7:00
Mon.	Sept. 30	-	Sun. Sept. 29	6:30	7:00	6:20	6:45
Mon.	Oct. 7	-	Sun. Oct. 6	6:40	6:45	6:30	6:35
Mon.	Oct. 14	-	Sun. Oct. 13	6:50	6:30	6:40	6:20
Mon.	Oct. 21	-	Sun. Oct. 20	7:00	6:20	6:50	6:05
Mon.	Oct. 28	-	Sat. Oct. 26	7:10	6:05	7:00	5:55
				Pacific Standard Time			
Mon.	Nov. 4	-	Sun. Oct. 27	6:15	5:00	6:00	4:50
Mon.	Nov. 11	-	Sun. Nov. 3	6:20	4:55	6:10	4:50
Mon.	Nov. 18	-	Sun. Nov. 10	6:30	4:45	6:20	4:30
Mon.	Nov. 25	-	Sun. Nov. 17	6:40	4:35	6:30	4:20
Mon.	Dec. 2	-	Sun. Nov. 24	6:50	4:25	6:40	4:15
Mon.	Dec. 9	-	Sun. Dec. 1	7:00	4:20	6:50	4:10
Mon.	Dec. 16	-	Sun. Dec. 8	7:10	4:20	7:00	4:10
Mon.	Dec. 23	-	Sun. Dec. 15	7:15	4:20	7:05	4:10
Mon.	Dec. 30	-	Sun. Dec. 22	7:20	4:20	7:10	4:10
Mon.	Jan. 6	-	Sun. Dec. 29	7:25	4:25	7:10	4:15
Mon.	Jan. 13	-	Sun. Jan. 5	7:25	4:30	7:15	4:15
Mon.	Jan. 20	-	Sun. Jan. 12	7:25	4:35	7:15	4:25
Mon.	Jan. 27	-	Sun. Jan. 19	7:20	4:45	7:10	4:35
Mon.	Jan. 27	-	Sun. Jan. 26	7:15	4:55	7:05	4:45
Mon.	Jan. 27	-	Fri. Jan. 31	7:10	5:05	7:00	4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (~~(((except areas north of U.S. Highway 12 and west of U.S. Highway 101)))~~), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

2000-01 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2000 to January 31, 2001

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00		8:20	5:45		8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05		8:10	5:55		7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:55	6:05		7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:40	6:10		7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		7:25	6:20		7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		7:10	6:30		7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:55	6:40		6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:45	6:50		6:30
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10		6:35	7:00		6:20
Pacific Standard Time										
			Sun.	Oct. 29	6:20		5:30	6:05		5:15
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25		5:20	6:10		5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		5:10	6:25		5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		5:00	6:35		4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:55	6:45		4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:50	6:55		4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:50	7:00		4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:50	7:10		4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:50	7:10		4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:55	7:15		4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		5:00	7:15		4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		5:10	7:15		5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		5:20	7:10		5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:30	7:00		5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:35	6:55		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-2002 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2001 to January 31, 2002

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		8:20	5:45		8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		8:10	5:50		8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:55	6:00		7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:40	6:10		7:30

2001-2002 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2001 to January 31, 2002

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		7:25	6:20		7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		7:15	6:30		7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		7:00	6:40		6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:45	6:50		6:35
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:35	7:00		6:20
Pacific Standard Time										
			Sun.	Oct. 28	6:15		5:30	6:05		5:15
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		5:20	6:10		5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		5:10	6:20		5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		5:05	6:30		4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:55	6:45		4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:50	6:50		4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:50	7:00		4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:50	7:05		4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:50	7:10		4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:55	7:15		4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		5:00	7:15		4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		5:10	7:15		4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		5:15	7:10		5:05
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		5:25	7:05		5:15
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10		5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2002-2003 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2002 to January 31, 2003

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Daylight Savings Time										
			Sun.	Sept. 1	6:00		8:20	5:45		8:10
Mon.	Sept. 2	-	Sun.	Sept. 8	6:00		8:15	5:45		8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10		8:00	6:00		7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20		7:45	6:10		7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30		7:30	6:20		7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40		7:15	6:30		7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50		7:00	6:40		6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00		6:50	6:50		6:35
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10		6:35	7:00		6:25

PERMANENT

2002-2003 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2002 to January 31, 2003

Dates (Inclusive)	Western Washington			Eastern Washington			
	A.M.	to	P.M.	A.M.	to	P.M.	
	Pacific Standard Time						
	Sun.	Oct. 27	6:15	5:30	6:00	5:20	
Mon.	Oct. 28	- Sun.	Nov. 3	6:20	5:25	6:10	5:20
Mon.	Nov. 4	- Sun.	Nov. 10	6:30	5:15	6:20	5:00
Mon.	Nov. 11	- Sun.	Nov. 17	6:40	5:05	6:30	4:50
Mon.	Nov. 18	- Sun.	Nov. 24	6:50	4:55	6:40	4:45
Mon.	Nov. 25	- Sun.	Dec. 1	7:00	4:50	6:50	4:40
Mon.	Dec. 2	- Sun.	Dec. 8	7:10	4:50	7:00	4:40
Mon.	Dec. 9	- Sun.	Dec. 15	7:15	4:50	7:05	4:40
Mon.	Dec. 16	- Sun.	Dec. 22	7:20	4:50	7:10	4:40
Mon.	Dec. 23	- Sun.	Dec. 29	7:25	4:55	7:10	4:45
Mon.	Dec. 30	- Sun.	Jan. 5	7:25	5:00	7:15	4:45
Mon.	Jan. 6	- Sun.	Jan. 12	7:25	5:05	7:15	4:55
Mon.	Jan. 13	- Sun.	Jan. 19	7:20	5:15	7:10	5:05
Mon.	Jan. 20	- Sun.	Jan. 26	7:15	5:25	7:05	5:15
Mon.	Jan. 27	- Fri.	Jan. 31	7:10	5:35	7:00	5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

PERMANENT

State-wide: Sept. 1-Dec. 31, 2000; Sept. 1-Dec. 31, 2001; Sept. 1-Dec. 31, 2002.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed state-wide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7-Dec. 31, 2000; Oct. 6-Dec. 31, 2001; Oct. 5-Dec. 31, 2002.

Chukar ((Partridge))

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Mountain Quail

Season closed throughout Eastern Washington.

((Valley and Bobwhite Quail)) California (valley) Quail and northern Bobwhite

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7, 2000-Jan. 15, 2001; Oct. 6, 2001-Jan. 21, 2002; Oct. 5, 2002-Jan. 20, 2003.

Yakama Indian Reservation: The 2000-01, 2001-02, 2002-03 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western Washington

Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 25-29, 2000; Sept. 24-28, 2001; Sept. 23-27, 2002.

Regular Season: Sept. 30-Nov. 30, 2000; Sept. 29-Nov. 30, 2001; Sept. 28-Nov. 30, 2002. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 7, 2000; Oct. 6, 2001; Oct. 5, 2002.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants during three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters ~~((that))~~ who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old ~~((Adults))~~ who must have an appropriately marked pheasant permit if hunting.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

((Valley and Bobwhite Quail)) California (valley) Quail and northern Bobwhite

Bag and Possession Limits: Ten (10) ~~((valley))~~ California (valley) quail or northern bobwhite ((quail)) per day, with a

total of thirty (30) (~~valley~~) California (valley) quail or northern bobwhite (~~quail~~) in possession at any time, straight or mixed bag.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

WILD TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

State-wide: April 15-May 15, 2001; April 15-May 15, 2002; April 15-May 15, 2003.

Fall Season

Either Sex

Permit Only - Asotin, Columbia, Garfield, Klickitat, Skamania, Stevens, and Walla Walla counties, and GMU 133: Oct. 1-5, 2000; Oct. 1-5, 2001; Oct. 1-5, 2002.

Permit Area	Number of Permits
Asotin, Columbia, Garfield, and Walla Walla counties	50
Klickitat and Skamania counties	75
Stevens County	((250)) 300
GMU 133	((30)) 75
<u>Ferry County</u>	<u>50</u>
<u>Pend Oreille County</u>	<u>25</u>

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One (1) wild turkey per day, only two (2) may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (~~((turkeys))~~) (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
~~((3. Each successful hunter must report harvest to the Department of Fish and Wildlife within ten days after taking a turkey.))~~
- ~~((4.))~~ 3. It is unlawful to use dogs to hunt turkeys.
- ~~((5.))~~ 4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog training season, but may not be killed except during established hunting seasons. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2000-Mar. 31, 2001; Aug. 1, 2001-Mar. 31, 2002; Aug. 1, 2002-Mar. 31, 2003, except from Sept. 15-Nov. 30, dog training is only allowed from 8:00 a.m. to 4:00 p.m. on designated Western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey (~~((form))~~) at a license dealer, and possess a Washington Migratory Bird validation (~~((Stamp))~~) as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey (~~((form))~~), and possess a free Washington Youth Migratory Bird (~~((Authorization))~~) validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington (~~((Goose Management Areas 1 and 3))~~), except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

State-wide: Sept. 9-14, 2000; Sept. 8-13, 2001; Sept. 7-12, 2002. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2001; Sept. 1-15, 2002.

BAND-TAILED PIGEON

Closed season state-wide.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

State-wide: Sept. 1-15, 2000; Sept. 1-15, 2001; Sept. 1-15, 2002.

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) (~~((rabbits))~~) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

State-wide: Sept. 1, 2000-Mar. 15, 2001; Sept. 1, 2001-Mar. 15, 2002; Sept. 1, 2002-Mar. 15, 2003.

JACKRABBIT

Closed season state-wide.

PERMANENT

CROWS

Bag and Possession Limits: No Limit

State-wide: Oct. 1, 2000-Jan. 31, 2001; Oct. 1, 2001-Jan. 31, 2002; Oct. 1, 2002-Jan. 31, 2003.

FALCONRY SEASONS

Upland Game Bird and Forest Grouse - Falconry

Daily Bag: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

State-wide: Sept. 1, 2000-Mar. 15, 2001; ~~((Sept.))~~ Aug. 1, 2001-Mar. 15, 2002; ~~((Sept.))~~ Aug. 1, 2002-Mar. 15, 2003.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

State-wide: Sept. 1-15 and Oct. 1-Dec. 31, 2000; Sept. 1-15 and Oct. 1-Dec. 31, 2001; Sept. 1-15 and Oct. 1-Dec. 31, 2002.

Cottontail and Snowshoe Hare - Falconry

Daily Bag: Five (5) ~~((rabbits))~~ cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

State-wide: Aug. 1, 2000-Mar. 15, 2001; Aug. 1, 2001-Mar. 15, 2002; Aug. 1, 2002-Mar. 15, 2003 ~~((; for cottontail and snowshoe hare (or Washington hare)))~~.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot ~~((nominally))~~ 97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot ~~((nominally))~~ 40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot ~~((nominally))~~ 95.5 parts tungsten: 4.5 parts ~~((polymer))~~ nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot ~~((nominally))~~ 95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), ~~((or))~~ tin shot (99.9 percent tin with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead).

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot

~~((when hunting for game birds or game animals))~~ in the following areas:

Bridgeport Bar segment of the Well's Wildlife Area ~~((Chehalis River pheasant release site))~~

Cowlitz Wildlife Area

~~((Dungeness Recreation Area~~

~~Hunter Farms pheasant release site))~~

Lake Terrell Wildlife Area (including Tennant Lake and other segments)

~~((Raymond Airport pheasant release site))~~

Shillapoo Wildlife Area

Skagit Wildlife Area (all segments)

Snoqualmie Wildlife Area (all segments)

Sunnyside Wildlife Area

~~((Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge))~~

The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area

Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Chehalis River pheasant release site

Dungeness Recreation Area

Hunter Farms pheasant release site

Raymond Airport pheasant release site

Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge

Whidbey Island Seaplane Base, OLF Coupeville, and Bayview pheasant release sites

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-248 Special closures and firearm restriction areas

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the ~~((period of Oct. 1-Dec. 31))~~ periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally estab-

PERMANENT

lished hunting seasons (~~during~~) from April 15 to May 15 and September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
4. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).
7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.

3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) <u>That portion of GMU 564 (Battleground) in Cowlitz County.</u>
<u>Franklin, Grant and Adams</u>	<u>That part of GMU 381 west of SR 17 and US Highway 395.</u>
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

PERMANENT

PERMANENT

COUNTY	AREA	COUNTY	AREA
	<p>The South Elma restriction applies only during elk seasons:</p> <p>That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South Bank Road to the Delezene Road; then south on the Delezene Road to a point 1 mile from the South Bank Road; southeast along a line 1 mile southwest of the South Bank Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.</p>	Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
Island	<p>That portion of GMU 410 (Island) located on Camano and Whidbey islands.</p>	Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge.
Jefferson	Indian and Marrowstone islands.	Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader. McNeil Island closed to hunting. See GMU ((484)) <u>652</u> restriction area outlined for King County.
King	<p>The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.</p> <p>The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)</p>	Snohomish	West of Highway 9.
		Skagit	Guemes Island and March Point north of State Highway 20.
		Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
		Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 232-28-299 Mandatory report of hunting activity (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

a) Hunters must report hunting activity, for each tag acquired, by January 31.

b) Reports must be made using the Department's designated automated telephone hunter reporting system (toll free) or Internet hunter reporting system.

c) Any hunter not reporting, for each tag acquired, by January 31 will be in non-compliance of reporting requirements.

d) Compliance will be credited for each species for which a transport tag is acquired.

(2) As an incentive for prompt reporting, all successful hunters who report harvest within 10 days of killing an animal and unsuccessful hunters who report by midnight January 10 will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag acquired.

a) There will be two (2) any elk special incentive permits for western Washington and two (2) for eastern Washington for use in any area open to general or permit hunting seasons EXCEPT Private Lands Wildlife Management Areas and GMUs 157 and 485.

b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT Private Lands Wildlife Management Areas and GMUs 157 and 485.

c) Open Season: The deer or elk special incentive permit hunter must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon at other times if there are no firearm restrictions.

d) The dates for the hunts will be September 1 to December 31.

e) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the Department of Fish and Wildlife headquarters in Olympia. The Department will issue the license and transport tag and send it to the special incentive permit winner.

f) Bag limit: One additional deer or elk.

(3) Beginning with license year 2002 and there after, hunters who have not reported hunting activity for the tags acquired the previous year will be required to complete a hunting report for those species before a new license for that species will be issued.

AMENDATORY SECTION (Amending Order 00-215, filed 10/12/00, effective 11/12/00)

WAC 232-28-272 2000-2001, 2001-2002 and 2002-2003 Black bear and cougar hunting seasons and regulations.

Black Bear Seasons:

Hunt Name	2000 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 5	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 5 - Nov. 5	GMUs 101-117
Blue Mt.	Sept. 5 - Nov. 5	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 12	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 12	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 12	Long Island
Hunt Name	2001 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 4	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 4 - Nov. 4	GMUs 101-117

Blue Mt.	Sept. 4 - Nov. 4	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 11	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 11	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 11	Long Island

Hunt Name	2002 Season	Hunt Area
General Eastern	Aug. 1 - Nov. 3	GMUs 121-142, 203-382, 578, 588
Northeastern	Sept. 3 - Nov. 3	GMUs 101-117
Blue Mt.	Sept. 3 - Nov. 3	GMUs 145-154, 162-186
General Western	Aug. 1 - Nov. 10	GMUs 407, 410, 454, 466, 490-520, 524-574, 601-684
North Cascades	Aug. 1 - Nov. 30	GMUs 418-450, 460
West Side PLWMA's	July 15 - Nov. 10	PLWMA's 401, 600
Long Island	Sept. 1 - Nov. 10	Long Island

License Required: A valid big game hunting license which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

~~((Harvest Report Cards: All hunters that purchase a big game hunting license which includes black bear as an option are required to fill out and return their black bear harvest report card(s). Successful hunters must complete the report card(s) and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card(s) within 10 days after the close of the bear season.))~~

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Season:

General Statewide Season:
Aug. 1, 2000 - Mar. 15, 2001;

PERMANENT

Aug. 1, 2001 - Mar. 15, 2002; and

Aug. 1, 2002 - Mar. 15, 2003.

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one (1) cougar and must take the first legal cougar available.

Tag Information:

(1) One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

(2) Individuals selected for a public safety cougar removal must possess a valid big game license and cougar transport tag prior to issuance of the permit. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two (2) cougar transport tags must be made at department offices.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

~~((Harvest Report Cards: All hunters that purchase a big game license which includes cougar as a species option are required to fill out and return their cougar harvest report card. Successful hunters must complete the report card and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card within 10 days after the close of the cougar season.))~~

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

Public safety cougar removals:

The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

Public safety cougar removals: Criteria.

(1) The commission determines that when the above practical alternatives have been utilized within a game management unit, four or more confirmed human-cougar safety incidents or livestock/pet depredations per year and seven or more confirmed cougar sightings or nuisance activities per year therein demonstrate that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(2) Public safety cougar removal(s) will be conducted between December 16, 2000, and March 15, 2001, in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar, not to exceed removal of more than seventy-four cougar during the 2000-2001 removal period unless otherwise authorized by the commission.

Public safety cougar removals: Permit issuance procedure.

(1) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and region applying for (see page 4 of 2000 Big Game Hunting Seasons and Rules Pamphlet for region map). Individuals may apply for multiple regions. An individual's request to be placed on a participant list for the 2000-2001 removal must be postmarked no later than November 15, 2000, or received at Washington department of fish and wildlife's (department) Olympia office no later than 5:00 p.m. on November 15, 2000.

(2) To be eligible for a public safety cougar removal permit (permit), participants must have at their disposal dogs capable of detecting and tracking cougar. The permit holder must use dogs while participating in a public safety cougar removal.

(3) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within 15 days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(4) No more than four (4) total individuals may participate per public safety cougar removal, including the permit

holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(5) Permit holders shall notify the department's enforcement program in Olympia at least 24 hours prior to exercising a public safety cougar removal permit. The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Permit holders must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(1) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(2) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(3) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(4) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(5) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(6) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(7) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(8) "Removal" means the act of killing one or more cougar with the aid of dogs.

(9) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-28-258 Washington auction hunts
- WAC 232-28-260 Special hunting seasons

NEW SECTION

WAC 232-28-290 Washington raffle hunts 1. The Commission, in consultation with the director, may authorize hunts for big game animals and wild turkey through raffle.

2. When a raffle hunt is adopted by the Commission the director may conduct the raffle or may award a contract to a nonprofit wildlife conservation organization (hereafter

referred to as "organization") to market and conduct the raffle drawing. The department of Fish and Wildlife shall solicit bids consistent with established state competitive bid rules.

3. There is no limit on the number of raffle tickets a person may purchase.

4. The organization interested in conducting a raffle for an authorized hunt shall submit a proposal outlining its experience and plan to conduct a raffle. The proposal shall include:

- a. Name of the organization, articles of incorporation, and contact person.
- b. The date, time, and place of the proposed raffle drawing.
- c. The approximate number of raffle tickets expected to be sold.
- d. Past experience in conducting raffles.
- e. Marketing strategies to be used.
- f. Portion of revenue proposed to be retained by the organization.

5. The director will select an organization to conduct a raffle.

- a. Revenue potential to the department will be a primary criterion in applicant selection.
- b. The department shall enter into a contract with the organization identifying specific terms of the contract.
- c. The director may authorize the organization to sell raffle tickets for the department and retain a portion of the revenue from the tickets sold.

6. The following are rules for raffles conducted by a director authorized nonprofit wildlife conservation organization.

- a. The organization shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.
- b. The public must be informed of the date, time, and place of the raffle, and the organization must hold the drawing as specified.
- c. The drawing must be accessible to the public.
- d. Raffle ticket sales must be completed prior to the public drawing. An accounting must be made of raffle tickets and funds received. A representative of the department will monitor the drawing.
- e. One winner and two alternates shall be drawn at the drawing.
- f. The organization shall notify the department of the name, address, and telephone number of the raffle winner and two alternates immediately (but no later than two business days) after the drawing.
- g. The department's share of the raffle revenue shall be delivered to the department within 30 (thirty) business days of the drawing.

7. The following are rules for raffles conducted by the department.

- a. The department shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.
- b. The department shall inform the public of date and place of the raffle, and hold the drawing as specified.
- c. Raffle ticket sales must be complete prior to the drawing.
- d. One winner and two alternates shall be drawn at the drawing.

PERMANENT

8. The department will notify the winner and two alternates by telephone and by certified mail. The department will obtain enough information from the winner to issue the appropriate hunting license and transport tag(s).

9. If the winner does not contact the Department within 15 business days of the drawing, the first alternate will be contacted and offered the raffle hunt. If the first alternate cannot be contacted within 10 business days after the winner disqualification deadline, the second alternate will be contacted and offered the raffle hunt. If the second alternate cannot be contacted within 10 business days after the first alternate disqualification deadline, the raffle hunt will not be offered by the department.

10. There shall be no refunds for any raffle ticket purchases.

11. The deer raffle winner may purchase an additional deer hunting license and transport tag and the elk raffle winner may purchase an additional elk hunting license and transport tag if desired. Even if drawn in a previous license year for a mountain goat, bighorn sheep, or moose hunt a hunter may participate in a raffle hunt. Turkey raffle winners may purchase up to three (3) additional turkey licenses and transport tags.

12. Hunting licenses or transport tags obtained pursuant to a raffle may not be resold or reassigned.

13. All revenue to the department from a raffle shall be used for the management and benefit of that species, except the hunting license and transport tag fees for the appropriate species shall be deducted from the raffle revenue.

NEW SECTION

WAC 232-28-291 Special hunting season permits The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

C. A holder of a deer, elk, cougar, or black bear special hunting season permit may hunt only with a weapon in compliance with the special hunting season.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously drawn and accepted a special hunting season permit for Washington mountain goat, bighorn sheep, or moose are ineligible to apply for a special hunting season permit for that species. This lifetime permit holder restriction does not apply to mountain goat permits acquired before 1999, raffle or auction hunt authorizations, or youth-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of notification by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 1.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 1.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for Persons of Disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for Youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for Hunters Age 65 and Older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to

apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for Advanced Hunter Education Graduates: Only persons who hold a valid certificate from the Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

NEW SECTION

WAC 232-28-292 Washington auction hunts 1. The Commission, in consultation with the director, may authorize hunts for big game animals and wild turkeys through auction.

2. When an auction hunt is adopted by the Commission, the director shall solicit nonprofit wildlife conservation organizations (hereafter referred to as "organizations") to bid to market and conduct a public auction for the special auction hunt. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules.

3. The organization interested in conducting an auction for an authorized hunt shall submit a proposal outlining its experience and plan to conduct a public auction. The proposal shall include:

- a. Name of the organization, articles of incorporation, and contact person.
- b. The date, time, and place of the proposed public auction.
- c. The approximate number of people expected to attend the auction.
- d. Past experience in conducting auctions.
- e. Marketing strategies to be used.
- f. Portion of revenue proposed to be retained by the organization.

4. The director will select an organization to conduct an auction.

- a. Revenue potential to the department will be a primary criterion in applicant selection.
- b. The department shall enter into a contract with the organization identifying specific terms of the contract.

5. The organization shall notify the public about the auction hunt opportunities.

- a. The public must be informed of the date, time, and place of the auction and, the organization must hold the auction as specified.
- b. The auction must be accessible to the public.
- c. Anyone may bid on an auction permit.

d. The organization shall award the hunt to the highest qualified bidder who will then become the auction hunt hunter.

e. The organization shall notify the department of the name and address of the successful bidder within two days of the auction.

f. The department's share of the auction revenue shall be delivered to the department within 30 days of the auction.

6. All revenue to the department from an auction shall be used for the management and benefit of that species. Except, that the hunting license fees for the appropriate species shall be considered part of the auction price and be deducted from the auction revenue. A hunting license and transport tag will be mailed to the successful bidder.

7. The deer auction winner may purchase an additional deer hunting license and transport tag, and the elk auction winner may purchase an additional elk hunting license and transport tag. Even if drawn in a previous license year for a mountain goat, bighorn sheep, or moose hunt, a hunter may participate in an auction hunt.

8. Hunting licenses or transport tags obtained pursuant to an auction may not be resold or reassigned.

9. The auction hunt hunter shall comply with all applicable hunting rules and regulations.

NEW SECTION

WAC 232-28-293 PLWMA raffle hunts The commission, in consultation with the director and by agreement with a Private Lands Wildlife Management Area (PLWMA), may authorize hunts for big game animals through raffle.

1. The PLWMA manager will conduct the raffle drawing. Raffle tickets will be sold for not more than \$25.00 each.

2. Any person may purchase PLWMA raffle tickets in addition to WDFW raffle tickets and participate in auctions and special hunting season permit drawings.

3. The PLWMA raffle winners must possess the appropriate hunting license and transport tag prior to participating in the PLWMA raffle hunt.

4. The PLWMA deer or elk raffle hunt winners may purchase an additional deer or elk hunting license and obtain a second transport tag if desired.

5. If an additional deer or elk hunting license and transport tag are acquired by a raffle winner, the additional transport tag can only be used on the PLWMA during the raffle hunt.

6. The additional deer or elk hunting license and transport tag must be issued by the Olympia department headquarters licensing division.

7. Hunting licenses or transport tags obtained pursuant to a raffle may not be resold or reassigned.

8. The PLWMA manager conducting an authorized raffle will provide an annual report to the Department of Fish and Wildlife prior to December 31. The report will include information on how the event was administered, where and when it occurred, who the winners were, the cost of tickets, and the number of tickets sold.

9. Anyone may participate in PLWMA raffles.

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-273 ((2000)) 2001 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

((2000)) 2001 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who drew a moose permit previously in Washington State. Only one moose permit will be issued during an individual's lifetime (waived for Mt. Spokane youth hunt, and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2000)) 2001 Permits
Kettle River	Oct. 1-Nov. 30	GMU 101, 105	Any Legal Weapon	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Legal Weapon	((45)) 18
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	((5)) 15
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	15
Mt. Spokane Youth Only.*	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	((5)) 10
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Legal Weapon	((18)) 22
Three Forks	Oct. 1-Nov. 30	GMU 109	Any Legal Weapon	6
Hangman	Oct. 1-Nov. 30	GMU 127, 130	Any Legal Weapon	((2)) 5

*Applicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

((2000)) 2001 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who drew a bighorn permit previously in Washington State. Only one bighorn sheep permit will be issued during an individual's lifetime. (Waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2000)) 2001 Permits
Selah Butte	Sept. 15-Oct. 10	Sheep Unit 4	Any Legal Weapon	((2)) 4
Umtanum	Sept. 15-Oct. 10	Sheep Unit 5	Any Legal Weapon	((4)) 4
Cleman Mountain	Sept. 15-Oct. 10	Sheep Unit 7	Any Legal Weapon	((5)) 5
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	((4)) 0
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15-Oct. 10	Sheep Unit 13	Any Legal Weapon	((3)) 5
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

PERMANENT

((2000)) 2001 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who drew a mountain goat permit in Washington state after 1998. Starting in 1999, only one mountain goat permit will be issued during an individual's lifetime. (Waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	((2000)) 2001 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	2
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	((5)) 2
Naches Pass	Sept. 15-Oct. 31	Goat Unit 3-6	Any Legal Weapon	3
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Tieton River	Sept. 15-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	((6)) 2
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	1
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	((+)) 0
Corral Pass	Sept. 15-Oct. 31	Goat Unit 4-38	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	((5)) 3
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	((3)) 1
Goat Rocks	Sept. 15-Oct. 31	Goat Unit 5-4	Any Legal Weapon	((7)) 3

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then south-east along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along

State Highway 12 and back to point of beginning; EXCEPT Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due

PERMANENT

north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-12-131 Permits for special hunting and trapping seasons
- WAC 232-28-274 2000 Big game and wild turkey auction permits and raffles
- WAC 232-28-280 1999 Deer general seasons and 1999 special permits
- WAC 232-28-281 1999-2000 Elk general seasons and 1999-2000 special permits

AMENDATORY SECTION (Amending Order 01-04 [00-254], filed 1/31/01)

WAC 232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three

GMU 328-NANEUM (Kittitas and Chelan counties): Beginning at Swauk Pass on U.S. Highway 97 and USFS Road 9716; east on USFS Road 9716 to the Liberty-Beehive Road (USFS 9712); east on the Liberty-Beehive Road to the west boundary of Section 22 (T21N, R19E); southeast along the ridge past Mission Peak to Wenatchee Mountain and Naneum Ridge Road (WDFW Road 9); southeast on the Naneum Ridge Road to the Colockum Pass Road (WDFW Road 10); south on the Colockum Pass Road to the East Highline Canal; northwest along the East Highline Canal to the Lower Green Canyon Road; south on the Lower Green Canyon Road to U.S. Highway 97; north on U.S. Highway 97 to Swauk Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties): Beginning on the Columbia River at the mouth of Tarpiscan Creek; south along the Columbia River to ~~((Vantage and Interstate Highway 90; west on Interstate Highway 90 to the East Highline Canal; north on the East Highline Canal))~~ Cape Horn; south along the top of Cape Horn and West Bar Cliffs (cliffs overlooking West Bar) to WDFW Road 14.14; east along WDFW Road 14.14 to WDFW Road 14.17; south along WDFW Road 14.17 to WDFW Road 14 rear gate; south on WDFW Road 14 to Tekison Creek; southeast along Tekison Creek to the Columbia River; south along Columbia River to Vantage and Interstate 90 (I-90); west along I-90 to East Highline Canal; north on East Highline Canal to the Colockum Pass Road (Road 10); north on the Colockum Pass Road to North Fork Tarpiscan Road (Rd 10.10); east on North Fork Tarpiscan Road to ~~((North Fork))~~ Tarpiscan Road 14; south on Tarpiscan Road approximately 100 feet to Tarpiscan Creek; east on ~~((North Fork Tarpiscan Creek and))~~ Tarpiscan Creek to the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County): Beginning on the Columbia River at Cape Horn; south along the top of Cape Horn and West Bar Cliffs (cliffs overlooking West Bar) to WDFW Road 14.14; east along Road 14.14 to WDFW Road 14.17; south along WDFW Road 14.17 to WDFW Road 14 near the gate; south on road WDFW 14 to Tekison Creek; southeast along Tekison Creek to the Columbia River; north and west along the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County): Beginning on U.S. Highway 97 and the Lower Green Canyon Road; north on the Lower Green Canyon Road to the East Highline Canal; east and south along the canal past Interstate 90 to the pump station; south and west along the north branch of the canal to State Highway 821 and the Yakima River; north along the Yakima River to the Damon Road; south on Damon Road and Shushuskin Canyon to the South Branch Extension Canal; west along the canal to the Bradshaw Road; west

PERMANENT

along Bradshaw Road to the elk fence; west and north along the elk fence to Taneum Creek; east along Taneum Creek to the Yakima River; southeast along the Yakima River to the Thorp Highway; east on the Thorp Highway and State Highway 10 to U.S. Highway 97; north along U.S. Highway 97 to the Lower Green Canyon Road and the point of beginning.

GMU 335-TEANAWAY (Kittitas County): Beginning at Snoqualmie Pass on the Pacific Crest Trail; north on the Pacific Crest Trail to the Alpine Lakes Wilderness Boundary; east on the Alpine Wilderness Boundary to the Chelan-Kittitas County line; southeast on the county line and Trail 1226 to Swauk Pass and U.S. Highway 97; south on U.S. Highway 97 to State Highway 10; northwest on State Highways 10, 970, 903 to Cle Elum and Interstate 90; west on Interstate 90 to Snoqualmie Pass and the Pacific Crest Trail and the point of beginning.

GMU 336-TANEUM (Kittitas County): Beginning at the Pacific Crest Trail and Interstate 90 at Snoqualmie Pass; east on Interstate 90 to Cle Elum and State Highway 903; east on State Highways 903, 970 and 10 to the Thorp Highway; southeast on the Thorp Highway to the Thorp Highway Bridge and the Yakima River; southwest along the Yakima River (upstream) to Taneum Creek; west along Taneum Creek to the South Fork Taneum Creek; west along the South Fork Taneum Creek to Trail 1367; west on Trail 1367 to Trail 1363; south on Trail 1363 and south along Peaches Ridge to Trail 1388; west on Trail 1388 to Blowout Mountain on the Pacific Crest Trail; north on the Pacific Crest Trail to Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County): Beginning at Quartz Mountain and Peaches Ridge (Trail 1363); north and east on Trail 1363 to Trail 1367; southeast on Trail 1367 to the South Fork Taneum Creek; east along the South Fork Taneum Creek to Taneum Creek; east along Taneum Creek to the elk fence; southeast along the elk fence to Bradshaw Road; east on Bradshaw Road to the South Branch Highline Canal; southeast along the South Branch Highline Canal to the Wenas-Ellensburg Road (at Shushuskin Canyon); north on the Wenas-Ellensburg Road to the Damon Road; north on the Damon Road to the Yakima River; south along the Yakima River to Umtanum Creek; west along Umtanum Creek to the Wenas-Ellensburg Road; west on the Wenas-Ellensburg Road to Ellensburg Pass and the Observatory Road (Section 6, T16N, R17E); north on the Observatory Road to Manastash Ridge (Section 20, T17N, R17E, W.M.); northwest along the Manastash Ridge to USFS Trail 694 (T17N, R15E, NW 1/4 of Section 12) near the USFS fence; northwest on ORV Trail 694 to ORV Trail 688 near Rocky Saddle; northwest on ORV Trail 688 to USFS Trail 1388; northwest on Trail 1388 to Quartz Mountain and Peaches Ridge Trail and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties): Beginning at Manastash Ridge at the junction of Forest Road 1701; east along the Manastash Ridge to the Observatory Road in Section 20, T17N, R17E, W.M.; south on the Observatory Road to the Wenas-Ellensburg Road near Ellensburg Pass (Section 6, T16N, R17E, W.M.); east on the Wenas-

Ellensburg Road to Umtanum Creek; east along the Umtanum Creek to the Yakima River; south along the Yakima River to Yakima and U.S. Highway 12; northwest on U.S. Highway 12 to State Highway 410; northwest on State Highway 410 to USFS Road 1701; north on USFS Road 1701 to the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties): Beginning at Blowout Mountain and the USFS Road 1388; east on USFS Road 1388 to USFS ORV Trail 688 to Rocky Saddle; east on USFS ORV Trail 694 to USFS Road 1701 near the USFS fence (T17N, R15E, NW 1/4 of Section 12); south on USFS Road 1701 to State Highway 410; northwest and southwest on State Highway 410 to the Pacific Crest Trail near Chinook Pass; north on the Pacific Crest Trail to Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County): Beginning on the Bumping Lake Road and State Highway 410; east and south on State Highway 410 to Nile and USFS Road 1500; west on USFS Road 1500 to the McDaniel Lake Road (USFS Road 1502); west on the McDaniel Lake Road to the North Fork of Rattlesnake Creek; west along the North Fork Rattlesnake Creek to the USFS Richmond Mine Trail 973; north on the Richmond Mine Trail 973 to the Bumping Lake Road; north on the Bumping Lake Road to State Highway 410 and the point of beginning.

GMU 356-BUMPING (Yakima County): Beginning on the Pacific Crest Trail and State Highway 410 at Chinook Pass; northeast on State Highway 410 to the Bumping Lake Road; southwest on the Bumping Lake Road to the USFS Richmond Mine Trail 973; southeast on the Richmond Mine Trail 973 to the North Fork Rattlesnake Creek; southeast along the North Fork Rattlesnake Creek to the McDaniel Lake Road (USFS Road 1502); southeast on the McDaniel Lake Road to USFS Road 1500; south on USFS Road 1500 to State Highway 12; west on Highway 12 to the Pacific Crest Trail at White Pass; north on the Pacific Crest Trail to Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County): Beginning on USFS Road 1500 and Highway 410 at Nile; southeast on Highway 410 to Highway 12; southwest on Highway 12 to USFS Road 1500; north and east on USFS Road 1500 to Nile and the point of beginning.

GMU 364-RIMROCK (Yakima County): Beginning on the Pacific Crest Trail and Highway 12 at White Pass; east on Highway 12 to Windy Point and the Jump Off Road (USFS 1302); southwest on Jump Off Road to Jump Off Lookout; south on Divide Ridge Crest to Darland Mountain and to the Darland Mountain Road and the north boundary of the Yakama Indian Reservation; west on the Yakama Indian Reservation boundary to the Pacific Crest Trail; north on the Pacific Crest Trail to Highway 12 at White Pass and the point of beginning.

GMU 366-RIMROCK-COWICHE (Yakima County): GMUs 364 (Rimrock) and 368 (Cowiche).

GMU 368-COWICHE (Yakima County): Beginning on Highway 12 and Jump Off Road near Windy Point; northeast and southeast on Highway 12 to the Yakima River; south along the Yakima River to the Yakama Indian Reservation boundary south of Union Gap; west on the reservation boundary to Darland Mountain; north on the crest of Divide Ridge to the Jump Off Lookout and the Jump Off Road (USFS Road 1302); northeast on the Jump Off Road to Highway 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties): Beginning one mile south of Thrall and Highway 821 at the Yakima River and the East High Canal; east and north along the East High Canal to Interstate Highway 90; east on Interstate Highway 90 to Vantage and the Columbia River; south along the Columbia River to Priest Rapids Dam and the Yakima Training Center (YTC) boundary; south and west along the YTC boundary to the main gate at Firing Center Road; west along Firing Center Road and Harrison Road to the Yakima River; north along the Yakima River to the East High Canal and the point of beginning.

GMU 372-KIONA (Benton and Yakima counties): Beginning at Priest Rapids Dam and the Columbia River; east and south along the Columbia River (Yakima, Grant, Benton, and Walla Walla County line) to the Alderdale Road; north on the Alderdale Road to the Klickitat-Yakima County line; west on the county line to the Yakama Indian Reservation boundary; northeast on the reservation boundary to the Mabton-Sunnyside Road; north on the Mabton-Sunnyside Road to the Yakima River; northwest along the Yakima River to Harrison Road; east along Harrison Road and Firing Center Road to the main gate of the Yakima Training Center (YTC); south and east along the YTC boundary to Priest Rapids Dam and the Columbia River and the point of beginning. The Hanford Nuclear Reservation is closed to all unauthorized public entry.

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties): Beginning at the Vernita Bridge on the west shore of the Columbia River and State Highway 24; north and east on State Highway 24 to Muse Road; east on Muse Road to State Highway 17; north on State Highway 17 to State Highway 26; east on State Highway 26 to Palouse River; south on Palouse River to Snake River; west and southwest on Snake River to Columbia River; north and west on Columbia River (including all islands) to the Vernita Bridge and the point of beginning. The Hanford Nuclear Site and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.

GMU 382-EAST KLICKITAT (Klickitat County): Beginning at the U.S. Highway 97 Bridge on the Columbia River (Maryhill); north on U.S. Highway 97 to Satus Pass and the Yakama Indian Reservation; east along south reservation boundary to the Yakima County line; east on the Yakima/Klickitat County line to Alderdale Road; southeast and south on Alderdale Road to Alderdale and the Columbia River; west down the Columbia River to U.S. Highway 97 Bridge and the point of beginning.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 00-05, filed 1/24/00, effective 2/24/00)

WAC 232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five

GMU 501-LINCOLN (Lewis, Thurston, Pacific and Grays Harbor counties): Beginning at the intersection of Interstate 5 and State Highway 6; west on State Highway 6 to the Stevens Road; northwest on Stevens Road to Elk Creek Road (Doty); west on Elk Creek Road to the 7000 Road; west on the 7000 Road to the 7400 Road; west on the 7400 Road, ~~((to the))~~ 7050 Road, 7000 Road, and the 7800 Road; north on the 7800 Road to the 7800 F Road; east on the 7800 F Road to the 720 Road; northeast on the 720 Road to Garrard Creek Road; northeast on the Garrard Creek Road to Oakville and U.S. Highway 12; east on U.S. Highway 12 to Interstate 5; south on Interstate 5 to State Highway 6 and point of beginning.

GMU 504-STELLA (Cowlitz County): Beginning at the mouth of the Cowlitz River at the Columbia River; west down the Columbia to the mouth of Germany Creek; north up Germany Creek to State Highway 4; east on Highway 4 to Germany Creek Road; north on Germany Creek Road to International Paper 1000 Road; north on International Paper 1000 to the International Paper 1050 Road; east on International Paper 1050 Road to the 2200 Road; east and south to the 2000 Road; south on the 2000 Road to the Delameter Road (Woodside Road); east on Delameter Road to State Highway 411; north on Highway 411 to ~~((Interstate 5; south on Interstate 5 to Ostrander Creek; west on Ostrander Creek to Cowlitz River;))~~ PH10 Road; east along the PH10 Road to the bridge over the Cowlitz River; south down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County): Beginning on Interstate 5 and the Cowlitz River; northeast up the Cowlitz River to Mayfield Lake and the U.S. Highway 12 bridge; east on U.S. Highway 12 to Winston Creek Road; south and east to Longbell Road and Perkins Road; northeast on Perkins Road to Green Mountain Road; east on Green Mountain Road to the outlet of Swofford Pond; east along the outlet to Riffe Lake; east along the south shore to the Cowlitz River and up the Cowlitz River to the USFS 23 Road (Cispus Road) Bridge; south and east to the ~~((C-Line))~~ Cline Road; east on the Cline Road ((east)) to the Bennet Road; east to U.S. Highway 12; west on Highway 12 to State Highway 7 (Morton); north on State Highway 7 to State Highway 508; west on Highway 508 to Centralia/Alpha Road; west and north on Centralia/Alpha Road to Salzer Valley Road; west to Summa Street and Kresky Road; north on Kresky Road to Tower Street; on Tower Street to State Highway 507; west on High-

PERMANENT

way 507 Cherry, Alder and Mellen Streets to Interstate 5; south on Interstate 5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties): Beginning at Pe Ell and the Muller Road; south on the Muller Road to the 1000 Road; south on the 1000 Road to the 1800 Road; south on the 1800 Road to the 500 Road; southeast on the 500 Road to State Highway 407 (Elochoman Valley Road); south on the Elochoman Valley Road (old SR 407) to the Elochoman River; downstream along the Elochoman River to the Foster Road; north on Foster Road to Risk Road; west and north along Risk Road to SR 4; west on SR 4 to Skamokawa Creek; downstream along Skamokawa Creek to the confluence with the Columbia River; west along Columbia River to the mouth of the Deep River; north along the Deep River to State Highway 4; north-west on State Highway 4 to the Salmon Creek Road; north on the Salmon Creek Road to the Bonneville Powerline Road; north on the Bonneville Powerline Road to State Highway 6; east on State Highway 6 to the Town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek Bridge; north up Silver Creek to Silverbrook Road; east to USFS 47 Road; north on USFS 47 Road to USFS 85 Road; west and north on USFS 85 Road to ~~((Silver Creek; southwest on Silver Creek to Lynx Creek; north on Lynx Creek and its northernmost tributary to USFS 85 Road; northwest on the USFS 85 Road to Catt Creek; north on Catt Creek to))~~ the Nisqually River; west down the Nisqually River to State Highway 7; south on Highway 7 to U.S. Highway 12 (Morton); east on U.S. Highway 12 to Silver Creek and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County): Beginning on U.S. Highway 12 at the Silver Creek bridge; north up Silver Creek to Silverbrook Road; east to USFS 47 Road; north on USFS 47 Road to USFS 85 Road; west and north on USFS 85 Road to ~~((Silver Creek; southwest on Silver Creek to Lynx Creek; north on Lynx Creek and its northernmost tributary to USFS 85 Road; north on USFS 85 Road to Catt Creek; north-west down Catt Creek))~~ USFS 52 Road; west and north on USFS 52 Road to the Nisqually River; east up the Nisqually River to the southern boundary of Mt. Rainier National Park; east along the south park boundary to the Pacific Crest Trail; south along the Pacific Crest Trail to U.S. Highway 12; west on U.S. Highway 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties): Beginning at the mouth of Cispus River; east up the Cispus River to the USFS 56 Road (Midway G.S. Road); east on the USFS 56 Road to the USFS 5603 Road; east on the USFS 5603 Road to the Yakama Indian Reservation Boundary and the Cascade Crest; north along the reservation boundary to Cispus Pass and the Pacific Crest Trail; north along the Pacific Crest Trail to the U.S. Highway 12 (White Pass); northwest and southwest on U.S. Highway 12 to USFS 1270 Road (Section 31, T14N, R10E); north on USFS 1270 Road to the Cowlitz River; southwest down the Cowlitz River to

the mouth of Smith Creek; south up Smith Creek to U.S. Highway 12; southwest down U.S. Highway 12 to Bennet Road; west on the Bennet Road to the ~~((C-Line))~~ Cline Road; west on Cline Road to the USFS 23 Road (Cispus Road); west and north to the Cowlitz River; west down the Cowlitz River to the mouth of the Cispus River and point of beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties): Beginning at the intersection of Interstate 5 and the Cowlitz River; south down the Cowlitz River to the Toutle River; east up the Toutle River to the North Fork Toutle River; up the North Fork Toutle River to the Green River; east up the Green River to USFS 2612 Road; east on USFS 2612 Road to USFS 26 Road (Ryan Lake Road); north on USFS 26 Road to the Cispus River; west down the Cispus to the Cowlitz River; west down the Cowlitz River to Riffe Lake; west along the south shore to the Swofford Pond outlet; west along the outlet to Green Mountain Road; west on Green Mountain Road to Perkins Road; southwest and northwest on Perkins Road and Longbell Road to Winston Creek Road; northwest on Winston Creek Road to U.S. Highway 12; west on U.S. Highway 12 to the Mayfield Lake bridge; southwest down Mayfield Lake and the Cowlitz River to Interstate 5 and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties): Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; southeast up the North Fork Toutle River to Deer Creek, up Deer Creek to Deer Creek Springs; up Deer Creek Springs to the Weyerhaeuser 3001 Road; southeast along the 3001, 3000, and 3090 Roads to the headwaters of the South Fork Castle Creek; due south to the South Fork Toutle River; east along South Fork Toutle to its headwaters and Mount St. Helens crater edge; east along the crater edge to the headwaters of Ape Canyon; down Ape Canyon Creek to the USFS Smith Creek Trail; north up USFS Smith Creek Trail to USFS 99 Road; north along USFS 99 Road to USFS 26 Road; north to Strawberry Lake Creek; west down Strawberry Lake Creek to the Green River; across the Green River to Grizzly Creek; up Grizzly Creek to Grizzly Lake; west up the western inlet to its headwaters; west to the headwaters of Coldwater Creek; west down Coldwater Creek to Coldwater Lake; southwest along the northwest shore to the outlet of Coldwater Lake; downstream on the outlet from Coldwater Lake to State Route 504 Bridge at mile post 45; west down State Route 504 to Hoffstadt Creek Bridge; down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties): Beginning on the North Fork Toutle River at the mouth of the Green River; southeast up the North Fork Toutle River to the mouth of Hoffstadt Creek; up Hoffstadt Creek to the State Route 504 Bridge over Hoffstadt Creek; east on State Route 504 to mile post 45 (the bridge over the outlet to Coldwater Lake); up the outlet of Coldwater Lake to Coldwater Lake; northeast along the shoreline of Coldwater Lake to Coldwater Creek; up Coldwater Creek to its headwaters and east to the headwaters of Grizzly Lake; east down the west inlet creek to Grizzly Lake; down Grizzly Creek to the Green

PERMANENT

River and the mouth of Strawberry Lake Creek; up Strawberry Lake Creek to the USFS 26 Road (Ryan Lake Road); north on the USFS 26 Road to the USFS 2612 Road; west on USFS 2612 Road to the Green River; down the Green River to its mouth and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties): Beginning south of the Town of Doty on State Highway 6; east on State Highway 6 to Chehalis and Interstate 5; south on Interstate 5 to the Cowlitz River; south along the Cowlitz River to Castle Rock and the PH 10 Road (Four Corners); west on the PH 10 Road to State Highway 411; south on State Highway 411 to Delameter Road (Woodside Drive); southwest on Delameter Road to the 2000 Road; west on the 2000 Road to the 2200 Road; north and west on the 2200 Road to the International Paper 1050 Road; west on the International Paper 1050 Road to the International Paper 1000 Road; south on the International Paper 1000 Road to the Germany Creek Road; south on the Germany Creek Road to State Highway 4; west on State Highway 4 to Germany Creek; south along Germany Creek to its mouth at the Columbia River; west along the Columbia River and the Cathlamet Channel to the Puget Island Bridge on State Highway 409; north on State Highway 409 to State Highway 4; west on State Highway 4 to State Highway 407 (Elochoman Valley Road); northwest on State Highway 407 (Elochoman Valley Road) to the 500 Road; west on the 500 Road to the 1800 Road; north on the 1800 Road to the ~~((International Paper))~~ Weyerhaeuser 1000 Road; north on the ~~((International Paper))~~ Weyerhaeuser 1000 Road to the Muller Road; north on Muller Road to Pe Ell and State Highway 6; north on State Highway 6 to south of Doty and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County): Beginning where the Toutle River flows into Cowlitz River; east along the Toutle River to the South Fork Toutle River; up the South Fork Toutle to the 4950 Road; south and east on the 4950 Road to the 235 Road; south on the 235, 200, 245, 134, 133, 130 and 1680 Roads to the 1600 Road; southeast along the 1600 and 1400 Roads to the Kalama/Coweeman Summit; south along the 1420 Road to the 1426 Road; southwest along the 1426 Road to the 1428 Road; southwest along 1428 Road to 1429 Road; southwest along 1429 Road to 6400 Road; southwest down the 6400 Road to the 6000 Road; east to the 6450 Road; southeast approximately one mile on the 6450 Road to the 6452 Road; southeast on 6452 Road to Dubois Road; to State Highway 503; west on State Highway 503 to Cape Horn Creek; down Cape Horn Creek to Merwin Reservoir and the Lewis River; down the Lewis River to the Natural Gas Pipeline right of way; north up the Natural Gas Pipeline right of way to Ostrander Creek; west down Ostrander Creek to ~~((I-5))~~ the Cowlitz River; north on ~~((I-5))~~ the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz County): Beginning on State Highway 503 at its crossing of Cape Horn Creek; east on State Highway 503 to 6690 Road (Rock Creek Road); northeast on the 6690 and 6696 Roads to West Fork Speelyai Creek; down Speelyai Creek to State Highway 503; northeast on State Highway 503 to Dog Creek; down Dog Creek to Yale Reservoir; south and west down Yale Reservoir, Lewis

River, and Merwin Reservoir to Cape Horn Creek; up Cape Horn Creek to State Highway 503 and point of beginning.

GMU 556-TOUTLE (Cowlitz County): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road (Merril Lake Road) intersection; north on USFS 81 Road to Weyerhaeuser 7200 Road; northeast on the 7200 Road to the 7400 Road; northwest on the 7400 Road to the 5500 Road; east and north on the 5500 and 5670 Roads to the South Fork Toutle River; east up the South Fork Toutle River to a point due south of the headwaters of the South Fork Castle Creek (Section 1, T8N, R4E); north along the posted Loo-wit boundary to end of the Weyerhaeuser 3092 Road; west on the 3092 Road to 3090 Road; northwest on the 3090, 3000 and 3001 Roads; west on the 3001 Road to Deer Creek Springs; down Deer Creek Springs to Deer Creek, downstream on Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to the South Fork Toutle River; southeast up the South Fork Toutle River to the 4950 Road; south on the 4950, 235, 200, 245, 243A, 134, 133, 130, and 1680 Roads to the 1600 Road; southeast on the 1600 and 1400 Roads to the Kalama/Coweeman Summit; south on the 1420 Road to the 1426 Road; southwest along the 1426 Road to the 1428 Road; southwest along 1428 Road to 1429 Road to 6400 Road; southwest on the 6400 Road to the 6000 Road; east up the 6000 Road to the 6450 Road; southwest on the 6450 Road approximately one mile to the 6452 Road; southeast on 6452 Road to Dubois Road to State Highway 503; east on State Highway 503 to the 6690 Road (Rock Creek Road); northeast on the 6690 and 6696 Roads to the West Fork Speelyai Creek; down Speelyai Creek to State Highway 503; northeast on State Highway 503 to USFS 81 Road and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties): Beginning on State Highway 503 (Lewis River Road) and USFS 81 Road intersection; north on USFS 81 Road to Weyerhaeuser 7200 Road; northeast on the 7200 Road to the 7400 Road; northwest on the 7400 Road to the 5500 Road; east and north on the 5500 and 5670 Roads to the South Fork Toutle River; east up the South Fork Toutle River to Mount St. Helens crater and along crater to headwaters of Ape Canyon; east down Ape Canyon Creek to USFS Smith Creek Trail; north up USFS Smith Creek Trail to USFS 99 Road; northeast on USFS 99 Road to USFS 25 Road; south on USFS 25 Road to the Muddy River; south down the Muddy River to the North Fork Lewis River; west down the North Fork Lewis River, Swift Reservoir to Yale Reservoir and Dog Creek; north up Dog Creek to State Highway 503; southwest to USFS 81 Road and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties): Beginning at Trout Lake, north to the USFS 80 Road; north to USFS 17 Road (Mt. Adams Recreational Road); northeast to USFS 82 Road; northeast on the USFS 82 Road to the Yakama Indian Reservation Boundary (Section 16, T7N, R11E); north along reservation boundary (Cascade Crest) to USFS 5603 Road; west to the USFS 56 Road; west to the Cispus River; northwest down the Cispus River to the USFS 26 Road (Ryan Lake Road); west and south on the USFS 26 Road to USFS 99 Road; northeast to

the USFS 25 Road; south to Muddy River; south down the Muddy River to the North Fork Lewis River; west to the USFS 90 Road bridge (Eagle Cliff); east on USFS 90 Road to USFS 51 Road; southeast to USFS 30 Road; northeast on the USFS 30 Road to USFS 24 Road; southeast to the State Highway 141; northeast on State Highway 141 to Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark and Skamania counties): Beginning where Ostrander Creek flows into the Cowlitz River; east up Ostrander Creek approximately 1/2 mile to the Northwest Natural Gas Pipeline right of way; south on the Northwest Natural Gas Pipeline right of way to the Lewis River; northeast along the Lewis River (Cowlitz-Clark County line) to the Merwin Dam; east along the south shoreline of Lake Merwin and Lewis River to State Route 503; south and west on State Route 503 to N.E. Amboy Road; south on N.E. Amboy Road to N.E. Yacolt Road; east on Yacolt Road to Railroad Avenue; southeast to Sunset Falls Road; east to Dole Valley Road; south on the Dole Valley Road to Rock Creek Road; southeast and south on the DNR 1000 Road to DNR 1500 Road; east on DNR 1500 Road to N.E. 412th Avenue; south on N.E. 412th Avenue to Skye Road; east and south on the Skye Road to Washougal River Road; south on Washougal River Road to State Highway 140; southeast on State Highway 140 to Cape Horn Road; south on Cape Horn Road to the Columbia River; west down the Columbia River (including islands in Washington) to the Cowlitz River; north along the Cowlitz River to Ostrander Creek and the point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties): Beginning on the Lewis River at State Route 503; east on Lewis River (Cowlitz-Clark County line) to Canyon Creek; southeast along Canyon Creek to N.E. Healy Road; east on N.E. Healy Road to USFS Road 54; east on USFS Road 54 to USFS Road 37; northwest on USFS Road 37 to USFS Road 53; south on USFS Road 53 to USFS Road 4205 (Gumboat Road); south on USFS Road 4205 to USFS Road 42 (Green Fork Road); southwest on USFS Road 42 to USFS Road 41 (Sunset Hemlock Road) at Sunset Falls; east on USFS Road 41 to USFS Road 406 at Lookout Mountain; southeast on USFS Road 406 to the boundary of the Gifford Pinchot National Forest; due east on the National Forest Boundary to Rock Creek; southeast along Rock Creek to Stevenson and the Columbia River; west down the Columbia River (including the islands in Washington) to the Cape Horn Road; north on the Cape Horn Road to Canyon Creek Road; west on Canyon Creek Road to the Washougal River Road; east on the Washougal River Road to the Skye Road; northwest on the Skye Road to N.E. 412th Avenue; northwest on DNR 1500 Road to DNR 1000 Road; north and west on DNR 1000 Road to Dole Valley Road; north on the Dole Valley Road to Sunset Falls Road; northwest to Railroad Avenue through Yacolt; northwest on N.E. Cedar Creek Road to State Route 503; northeast along State Route 503 to the Lewis River and the point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties): Beginning at the Yale Dam and Yale Lake; north along Yale

Lake (Cowlitz-Clark County line) to the North Fork Lewis River and Lewis River (old river bed); northeast along the Lewis River to the Swift Creek Reservoir; east along the Swift Creek Reservoir to Eagle Cliff Bridge and USFS Road 90; east on USFS Road 90 to USFS 51 Road (Curly Creek Road); southeast on USFS Road 51 to USFS Road 30; north on USFS Road 30 to USFS Road 24 (Twin Butte Road); south on USFS Road 24 to USFS Road 60 (Carson Guler Road); southwest on USFS Road 60 to USFS Road 65 (Panther Creek Road); southwest on USFS Road 65 to the Wind River Highway; northwest on the Wind River Highway to Stabler; west on Hemlock Road to USFS Road 41 (Sunset-Hemlock Road); west on the USFS Road 41 to Sunset Falls and USFS Road 42 (Green Fork Road); northeast on USFS Road 42 to USFS Road 4205 (Gumboat Road); north on USFS Road 4205 to USFS Road 53; northwest on USFS Road 53 to USFS Road 54 (N.E. Healy Road); west on USFS Road 54 to Canyon Creek; north along Canyon Creek to the Lewis River; northeast along the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania County): Beginning at Little Lookout Mountain on USFS Road 41 (Sunset-Mowich Butte); east on USFS Road 41 to Stabler; east on the Hemlock Road to the Wind River Road; southeast on the Wind River Road to Old State Road; east on Old State Road to USFS Road 65 (Panther Creek Road); north on USFS Road 65 to USFS Road 60; northeast on USFS Road 60 to State Highway 141; continue east on State Highway 141 to USFS Road 86; south on USFS Road 86 to USFS Road 1840; south on USFS Road 1840 to USFS Road 18 (Oklahoma Road); south on USFS Road 18 to Willard and the Little White Salmon River; south on the Little White Salmon River to the Columbia River; west along the Columbia River to the mouth of Rock Creek; northwest along Rock Creek through Stevenson to the south boundary of Gifford Pinchot National Forest; on the south boundary of Gifford Pinchot National Forest due west to USFS Road 4100-406; northwest on USFS Road 4100-406 to USFS Road 41 and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties): Beginning on the Columbia River at the mouth of the Little White Salmon River; up the Little White Salmon River to Willard; north on USFS 18 Road (Oklahoma Road) to USFS 1840 Road; north on USFS 1840 Road to USFS Road 86; north on USFS Road 86 to State Highway 141; northeast on State Highway 141 to Trout Lake and Mt. Adams Recreational Area Road; north on Mt. Adams Recreational Area Road to USFS 82 Road; northeast on USFS 82 Road to the Yakama Indian Reservation Boundary (Section 16, T7N, R11E); south along the reservation boundary to King Mountain and the southwest corner of the reservation (Section 27, T7N, R11E); east along reservation boundary (approximately one mile) to the end of King Mountain Road; north along the reservation boundary to Section 2 T7N, R11E; east along the reservation boundary to the northeastern corner of Section 4, T7N, R12E; southeast along the reservation boundary to Summit Creek Boundary Road; south to the Glenwood/Goldendale Road; northwest on the Glenwood/Goldendale Road to the Lakeside Road; south on

the Lakeside Road to Fisher Hill Road (P-2000); south on Fisher Hill Road to the Fisher Hill Bridge; south down the Klickitat River to the Columbia River; west down the Columbia River to the mouth of the Little White Salmon River and point of beginning.

GMU 588-GRAYBACK (Klickitat County): Beginning at U.S. Highway 97 bridge across Columbia River (Maryhill); west down the Columbia River to Lyle and the mouth of the Klickitat River; up the Klickitat River to the Fisher Hill Bridge; north along the Fisher Hill Road (P-2000) to the Lakeside Road; north and northwest on the Lakeside Road to Glenwood/Goldendale Road; east and southeast on the Glenwood/Goldendale Road to the Summit Creek Primary Road; northeast to the Yakama Indian Reservation Boundary; east along the southern boundary of the reservation to U.S. Highway 97 (Satus Pass Highway); south on U.S. Highway 97 to Maryhill and point of beginning.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 00-05, filed 1/24/00, effective 2/24/00)

WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions

Elk Area No. 029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along State Highway 505 to Eden Road; east along Eden Road to the Evans Road; east along the Evans Road to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; west along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork Toutle River to State Highway 504; east on Highway 504 to State Highway 505; north along Highway 505 to the Weyerhaeuser 1500 Road to Salmon Creek; west along Salmon Creek to the Cowlitz River; north along the Cowlitz River to the junction of State Highway 505 and point of beginning.

Elk Area No. 031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; west along Umtanum Road to Manastash Road; west on Manastash Road to Cove Road; south and west on Cove Road to Hanson Road and Umtanum Creek; east (downstream) along Umtanum Creek to the Yakima River; north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 032 Malaga (Kittitas and Chelan counties): (~~Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); north and west along North Fork of Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N,~~

~~R21E); south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; west and north on Mose Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on the Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Road 9712); northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning.)) Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; south-west along the powerline to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and West on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); north-west on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)~~

Elk Area No. 033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the

Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 036 Riverbottom (Kittitas County): Beginning at the junction of Umtanum Road and State Route 821; south on State Route 821 and the Yakima River to Umtanum Creek; west up Umtanum Creek to Umtanum Road; north on Umtanum Road to State Route 821 and the point of beginning.

Elk Area No. 041 Skagit (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road, west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 Roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 054 Boistfort (Lewis County): Beginning at the Town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the

Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to the Winlock/Vader Road; south along said road to the Town of Vader and the point of beginning.

Elk Area No. 055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) beginning at the junction of Wright Canyon Road and South Shore Road; north to the shoreline of Lake Quinault; north along Lake Quinault to the Olympic National Park (ONP) boundary; east along ONP boundary to its intersection with the South Shore Road and U.S. Forest Service boundary; west along the U.S. Forest Service boundary to the Wright Canyon Road Junction with the South Shore Road and point of beginning.

Elk Area No. 066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on

Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Areas No. 067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to US 12; north-west and west on US 12 to State Route 107; south and south-west on SR 107 to the Melbourne A-line and the point of beginning.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 00-05, filed 1/24/00, effective 2/24/00)

WAC 232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions

Muzzleloader Area No. 911 Fairview (Kittitas County): Begin at U.S. Highway 97 and First Creek Road; east on First Creek Road to (~~Upper Green Canyon Road and Reeceer Creek; north on Reeceer Creek~~) USFS 3507; south on USFS 3507 to (USFS 35 Road) to USFS 3517 Road; east on USFS 3517 Road to Lillard Hill Road and Wilson Creek Road; south on Wilson Creek Road to the BPA Powerlines (T19N; R19E; Section 19); east along the BPA Powerlines to the Colockum Pass Road (T19N; R20E; Section 16); south on Colockum Pass Road to the BPA Powerlines (T18N; R20E; Section 6); east along the BPA Powerlines to the Parke Creek Road; ((south)) north on Parke Creek Road to ((Christiansen)) Whiskey Jim Road; ((west)) east on ((Christiansen)) Whiskey Jim Road to ((Fox Road; north on Fox Road to Lyons Road; west on Lyons Road to Venture Road; north on Venture Road to Brick Mill Road; west on Brick Mill Road to Look Road; north on Look Road to Hungry Junction Road; west on Hungry Junction Road to U.S. Highway 97; north on U.S. Highway 97 to First Creek Road and point of beginning.) Beacon Ridge Road; south on Beacon Ridge Road to Vantage Highway; east on Vantage Highway to Interstate 90 (I-90); west on I-90 to Highway 97 and the point of beginning.

Muzzleloader Area No. 925 Ritzville (Adams County): Beginning at the junction of Interstate 90 and S.R. 261 near the Town of Ritzville; south along S.R. 261 to S.R. 26; east on S.R. 26 to the Whitman County line; north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; north along the Adams, Lincoln

County line to Interstate 90; west along Interstate 90 to point of beginning.

Muzzleloader Area No. 926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Muzzleloader Area No. 941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Muzzleloader Area No. 944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the east edge of Meyster Canyon; along the east side of Meyster Canyon to the elk fence; west along the elk fence to Waterworks Canyon and Highway 410 and to point of beginning.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-278 2000-2002 Deer general seasons and ((2000)) 2001 special permits.

Bag Limit: One (1) deer per hunter during the ((2000)) 2001 hunting season. The Fish and Wildlife Commission may authorize two doe permits for damage areas. Any multiple doe permits will be identified by special permit.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of male deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY ((OPEN)) GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point GMUs: All Mule Deer in 100, 200, and 300 series GMUs; Whitetail Deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 342 (Umtanum), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed) and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian Whitetail Deer (species *Odocoileus virginianus leucurus*).

~~((Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking a deer.))~~

Modern Firearm Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 12-31	407, 418, 426, 448 through 466, 490, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 12-25	101 through 124, 203 through 382 except closed in GMUs 290, 329, 342, 371 and PLWMA 201	Any whitetail buck
	Oct. 14-22	Oct. 13-21	Oct. 12-20	127 through 154, 162 through 186	Whitetail, 3 pt. min.
Mule Deer	Oct. 14-22	Oct. 13-21	Oct. 12-20	All 100, 200, and 300 series GMUs except closed in GMUs 157, 290, 329, 342, and that part of 371 east of Interstate Highway 82, and PLWMA 201	3 pt. min., except any deer in that part of GMU 381 west of Highway 395 and SR17
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 16-19	Nov. 15-18	Nov. 14-17	All 400, 500, and 600 GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 485, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 6-19	Nov. 5-19	Nov. 4-19	105 through 124	Any whitetail buck
	Nov. 11-19	Nov. 10-18	Nov. 9-17	127 through 142	Whitetail-3 pt. min.
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer		Oct. 13-21	Oct. 12-20	204, 209, 215	Any whitetail
Eastern Washington Deer		Oct. 13-21	Oct. 12-20	209-248, 260, 269	Any Deer
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 14-27	Oct. 13-26	Oct. 12-25	101 through 124	Any whitetail deer

PERMANENT

Hunt Season	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
	Oct. 14-22	Oct. 13-21	Oct. 12-20	127 through 142	Whitetail-3 pt. min. or antlerless
Eastern Washington Mule Deer		Oct. 13-21	Oct. 12-20	142	Mule deer, 3 pt. min. or antlerless
DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 14-22	Oct. 13-21	Oct. 12-20	145 through 154, 162 through 186	Whitetail-3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) GRADUATE SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail-Antlerless only

Archery Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment.

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 490 through 520, 524 through 556, 560 through 572, 601 through 633, 638 through 673, 684 and Long Island. (Bangor Submarine Base within GMU 627 is open for archers with disabilities by permit from the Navy. For information on this hunt call Tom Jones at (360) 396-5097. Special Restrictions: Must be a U.S. Citizen and hunting is open on weekends only.)	Any Deer, except buck only in GMUs 506, 530, 550, 568, 672, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness Areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 127, 204 (through 247), 249 through 251, 260, 262, 328, 334 through 340, 346 through 368, 372	3 pt. min.
	Sept. 1-15	Sept. 1-15	Sept. 1-15	130 through 154, 162 through 178, 181, 186, 209 through 242 , 248, 254, 266, 269, 272, 278, 284, 381, 382	3 pt. min., except any deer in GMU 381
	Sept. 16-30	Sept. 16-30	Sept. 16-30	130 through 154, 162 through 178, 209 through 242 , 248, 254, 266, 269, 272, 278, 284, 381, 382	3 pt. min. or antlerless, except any deer in GMU 381
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284	Any <u>whitetail</u> deer
	Sept. 1-30	Sept. 1-30	Sept. 1-30	127 through 154, 162 through 186	<u>Whitetail</u> , 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	588	2 pt. min. or antlerless
	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	558, 636, 681	2 pt. min. or antlerless
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, 673, and Long Island	Any deer, except buck only in GMUs 506, 530, and 673
	Nov. 22-Dec. 31	Nov. 21-Dec. 31	Nov. 20-Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer, except buck only in GMU 672

PERMANENT

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
				437	2 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	145, 178	3 pt. min. or antlerless
	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	127	3 pt. min. or antlerless
				209, 215, 233, 243, 250, 346, 352, ((that part of GMU 360 north of USFS Roads 324, 325 to the intersection of Carmack Canyon; then northeast down Carmack Canyon bottom to the Naches River and north to State Highway 410, GMUs)) 364, 368	3 pt. min.
				272	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10-Dec. 15	Nov. 10-Dec. 15	Nov. 10-Dec. 15	101	Any Whitetail
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	209, 215, 233, 272	Any Whitetail
145, 178				3 pt. min. or antlerless	
Eastern Washington Whitetail Deer	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	105, 117, 121, 124	Any Whitetail
				127	3 pt. min. or antlerless

Muzzleloader Deer Seasons

License Required: A valid big game hunting license which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail.	3 pt. min.
Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	407, 418, 426, 448, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	209, 239, 243, 244, 245, 246, 250, 251, 284, 381	Whitetail, any buck
				133, 142, 145, 149	Whitetail, 3 pt. min.
				109, 117, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 7-11	Oct. 6-10	Oct. 5-9	109, 117, 133, 142, 145, 149, 209, 239, 243, 244, 245, 246, 250, 251, 284, 336, 352, 360, 381, 382	Mule deer, 3 pt. min.
Late Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	410, 501, 504, 564, 666, 684, and Muzzleloader Area 926	Any deer
				654	2 pt. min.
				550, 602, 633, 651	Any buck
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	578	2 pt. min.

PERMANENT

Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units	Legal Deer
Eastern Washington Whitetail Deer	Nov. 22-Dec. 15	((Nov. 21-Dec. 15)) Nov. 21-Dec. 8	((Nov. 20-Dec. 15)) Nov. 20-Dec. 8	113	Whitetail, any ((buck)) deer
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	130, 139, <u>172, 181</u> , 284	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	130, 284, <u>381</u>	Mule deer, 3 pt. min. or antlerless
	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	382	3 pt. min.

Firearm Restricted Deer Hunts Open To All Deer Hunters

License Required: Hunting license.

Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	2000 Dates	2001 Dates	2002 Dates	Game Management Units (GMUs)	Legal Deer
Western Washington Blacktail Deer	Oct. 14-31	Oct. 13-31	Oct. 12-31	410, Vashon and Maury Islands	Any deer
	Nov. 22-Dec. 31	Nov. 21-Dec. 31	Nov. 20-Dec. 31	564	Any deer
	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Sept. 1-Dec. 31	Indian Island. Restricted Access.*	Any deer

*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at (360) 396-5353.

Special Deer Permit Hunting Seasons

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	((2000)) 2001 Permit Season	Special Restrictions	Boundary Description	((2000)) 2001 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm and muzzleloader deer tag holders may apply)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 101	((400)) <u>200</u>
Kelly Hill	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 105	((400)) <u>200</u>
Threeforks	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 109	((300)) <u>400</u>
Selkirk	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 113	((25)) <u>50</u>
49 Degrees North	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 117	((400)) <u>200</u>
Huckleberry	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 121	((250)) <u>500</u>
Mt. Spokane	Oct. ((14-27)) <u>13-26</u>	Whitetail, Antlerless	GMU 124	((800)) <u>1000</u>
Mica Peak	Oct. ((14-22)) <u>13-21</u>	Whitetail, Antlerless	GMU 127	160
Cheney	Oct. ((14-22)) <u>13-21</u>	Antlerless	GMU 130	150
Roosevelt	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 133	450
Harrington	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 136	125
Stephoe	Nov. ((6-15)) <u>5-15</u>	((Whitetail,)) Antlerless	GMU 139	((200)) <u>250</u>
Almota	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 142	((225)) <u>250</u>
Mayview	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 145	((500)) <u>700</u>
Prescott A	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 149	400
Prescott B	Nov. ((6-15)) <u>5-15</u>	Antlerless	That portion of GMU 149 north and east of Hwy 261	((450)) <u>175</u>
Blue Creek	Nov. ((6-15)) <u>5-15</u>	Whitetail, Antlerless	GMU 154	200

PERMANENT

Hunt Name	((2000)) 2001 Permit Season	Special Restrictions	Boundary Description	((2000)) 2001 Permits
Dayton	Nov. ((6-15)) <u>5-15</u>	Whitetail, Antlerless	GMU 162	250
Marengo A	Nov. ((6-15)) <u>5-15</u>	Whitetail, Antlerless	GMU 163	((150)) <u>200</u>
Marengo B	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 163	((50)) <u>75</u>
Peola	Nov. ((6-15)) <u>5-15</u>	Antlerless	GMU 178	((125)) <u>150</u>
Blue Mtns. Foothills A	Nov. ((6-21)) <u>5-20</u>	((Whitetail, 3 Pt. Min. or Antlerless)) <u>Any Whitetail</u>	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. ((6-21)) <u>5-20</u>	((Whitetail, 3 Pt. Min. or Antlerless)) <u>Any Whitetail</u>	GMUs 145, 172-181	50
East Okanogan	Nov. 1-15	Any Whitetail	GMU 204	100
West Okanogan	Nov. 1-15	Any Whitetail	GMUs 209, 218-242	100
Sinlahekin	Nov. 1-15	Any Whitetail	GMU 215	50
Chewuch	Nov. 1-15	Any Buck	GMU 218	((15)) <u>30</u>
Pearrygin	Nov. 1-15	Any Buck	GMU 224	((15)) <u>35</u>
Gardner	Nov. 1-15	Any Buck	GMU 231	((15)) <u>25</u>
Pogue	Nov. 1-15	Any Buck	GMU 233	15
Chiliwist	Nov. 1-15	Any Buck	GMU 239	((5)) <u>25</u>
Alta	Nov. 1-15	Any Buck	GMU 242	((15)) <u>30</u>
Manson	Nov. 1-15	Any Buck	GMU 243	((5)) <u>15</u>
Chiwawa	Nov. 1-15	Any Buck	GMU 245	((5)) <u>15</u>
<u>Slide Ridge</u>	<u>Nov. 1-15</u>	<u>Any Buck</u>	<u>GMU 246</u>	<u>15</u>
Entiat	Nov. 1-15	Any Buck	GMU 247	((5)) <u>15</u>
Big Bend A	Oct. ((14-22)) <u>13-21</u>	Antlerless	GMU 248	50
<u>Big Bend C</u>	<u>Nov. 1-15</u>	<u>Antlerless</u>	<u>GMU 248</u>	<u>50</u>
Swakane	Nov. 1-15	Any Buck	GMU 250	((5)) <u>15</u>
Mission	Nov. 1-15	Any Buck	GMU 251	((5)) <u>15</u>
<u>St. Andrews</u>	<u>Oct. 13-21</u>	<u>Antlerless</u>	<u>GMU 254</u>	<u>50</u>
<u>Withrow</u>	<u>Oct. 13-21</u>	<u>Antlerless</u>	<u>GMU 262</u>	<u>50</u>
<u>Foster Creek</u>	<u>Oct. 13-21</u>	<u>Antlerless</u>	<u>GMU 260</u>	<u>100</u>
Badger	Nov. 1-15	Antlerless	GMU 266	75
Beezeley East	Oct. ((14-22)) <u>13-21</u>	Antlerless	That part of GMU 272 in Grant County	300
Kahlotus	Oct. ((14-22)) <u>13-21</u>	Antlerless	GMU 284	100
Desert A	Nov. 1-15	Any Deer	GMU 290	15
Desert B	Nov. ((18-26)) <u>19-25</u>	Antlerless	GMU 290	50
Quilomene A	Nov. ((8-23)) <u>7-22</u>	Any Buck	GMU 329	((110)) <u>100</u>
Umtanum A	Nov. ((8-23)) <u>7-22</u>	Any Buck	GMU 342	((100)) <u>90</u>
Alkali A	Nov. ((8-23)) <u>7-22</u>	Any Buck	GMU 371	((60)) <u>85</u>
Alkali B	Nov. ((8-23)) <u>7-22</u>	Antlerless	GMU 371	((25)) <u>75</u>
East Klickitat	Oct. ((14-22)) <u>13-21</u>	((3 Pt. Min. or Antlerless)) <u>Any Deer</u>	GMU 382	50
<u>Snoqualmie</u>	<u>Nov. 1-11</u>	<u>Any Buck</u>	<u>GMU 460</u>	<u>500</u>
Green River ((A))^	Oct. ((7)) <u>6-10-13</u>	Any Buck	GMU 485	((10)) <u>20</u>
Lincoln	Oct. ((14-31)) <u>13-31</u>	Any Deer	GMU 501	((80)) <u>60</u>
Stella	Oct. ((14-31)) <u>13-31</u>	Any Deer	GMU 504 ((*)) ^b	((75)) <u>55</u>
Mossyrock	Oct. ((14-31)) <u>13-31</u>	Any Deer	GMU 505	((150)) <u>115</u>
Stormking	Oct. ((14-31)) <u>13-31</u>	Any Deer	GMU 510	((75)) <u>55</u>

PERMANENT

PERMANENT

Hunt Name	((2000)) 2001 Permit Season	Special Restrictions	Boundary Description	((2000)) 2001 Permits
South Rainier	Oct. ((14-31)) 13-31	Any Deer	GMU 513	((75)) 55
Packwood	Oct. ((14-31)) 13-31	Any Deer	GMU 516	((100)) 75
Winston	Oct. ((14-31)) 13-31	Any Deer	GMU 520	((100)) 75
Yale	Oct. ((14-31)) 13-31	Any Deer	GMU 554 ((-*)) ^b	((50)) 35
Marble	Oct. ((14-31)) 13-31	2 Pt. Min. or Antlerless	GMU 558	((75)) 55
Lewis River	Oct. ((14-31)) 13-31	Any Deer	GMU 560	((100)) 75
Siouxon	Oct. ((14-31)) 13-31	Any Deer	GMU 572	((100)) 75
Wind River A	Oct. ((14-31)) 13-31	2 Pt. Min. or Antlerless	GMU 574	40
Wind River B	Nov. ((16-19)) 15-18	2 Pt. Min.	GMU 574	25
West Klickitat A	Oct. ((14-31)) 13-31	2 Pt. Min. or Antlerless	GMU 578	50
West Klickitat B	Nov. ((16-19)) 15-18	2 Pt. Min.	GMU 578	35
Grayback A	Oct. ((14-31)) 13-31	2 Pt. Min. or Antlerless	GMU 588	((125)) 200
Grayback B	Nov. ((16-19)) 15-18	2 Pt. Min.	GMU 588	50
Pysht ((-*,*)) ^c	Oct. ((14-31)) 13-31	Any Deer	GMU 603	((50)) 40
Olympic	Oct. ((14-31)) 13-31	Any Deer	GMU 621	((40)) 30
Coyle	Oct. ((14-31)) 13-31	Any Deer	GMU 624	30
Kitsap	Oct. ((14-31)) 13-31	Any Deer	GMU 627	20
Mason Lake	Oct. ((14-31)) 13-31	Any Deer	GMU 633	((70)) 5
Skokomish	Oct. ((14-31)) 13-31	2 Pt. Min. or Antlerless	GMU 636	80
Wynoochee A	Oct. ((14-31)) 13-31	Any Deer	GMU 648	((100)) 110
Wynoochee B	Nov. 1-11	Any Buck	GMU 648	10
Satsop A	Oct. ((14-31)) 13-31	Any Deer	GMU 651	150
Satsop B	Nov. 1-11	Any Buck	GMU 651	10
North River	Oct. ((14-31)) 13-31	Any Deer	GMU 658	((60)) 100
Minot Peak	Oct. ((14-31)) 13-31	Any Deer	GMU 660	100
Capitol Peak A	Oct. ((14-31)) 13-31	Any Deer	GMU 663	((120)) 140
Capitol Peak B	Nov. 1-11	Any Buck	GMU 663	10
Deschutes	Oct. ((14-31)) 13-31	Any Deer	GMU 666	80
Skookumchuck A	Oct. ((14-31)) 13-31	Any Deer	GMU 667	200
Skookumchuck B	Nov. 1-11	Any Buck	GMU 667	10

^aGreen River deer and elk permit holders may hunt bear and cougar in GMU 485 with bear and cougar tags during permit season.

~~((-*))~~ ^bFirearm Restriction Areas - Muzzleloader or archery equipment only.

~~((-*,*))~~ ^cPermit not valid on Merrill and Ring Tree Farm.

Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)

Green Bluff	Dec. ((9-31)) 8-31	Whitetail, Antlerless	That portion of GMU 124 east of Hwy 2	((75)) 90
Blue Mtns. Foothills C	((Nov. 22-Dec. 8)) Nov. 21-Dec. 8	((Whitetail, 3 Pt. Min. or Antlerless)) Any Whitetail	GMUs ((149-154)) 149, 154, 162-166	60
((Blue Mtns. Foothills D))	((Nov. 22-Dec. 8))	((Whitetail, 3 Pt. Min. or Antlerless))	((GMUs 172-175, 181))	((50))
Moses Coulee	Dec. 1-31	Antlerless	GMU 269	50
Desert C	Oct. ((23-29)) 22-28	Any Deer	GMU 290	((3)) 4
Quilomene B	Oct. 1-10	Any Buck	GMU 329	((15)) 11
Umtanum B	Oct. 1-10	Any Buck	GMU 342	((10)) 9

Alkali C	Sept. 30-Oct. 6	Any Buck	GMU 371	((40)) <u>12</u>
Alkali D	Sept. 30-Oct. 6	Antlerless	GMU 371	((5)) <u>8</u>
Mason Lake <u>B</u>	Oct. ((7-13)) <u>6-10</u>	Antlerless	GMU 633	30
Satsop <u>C</u>	Oct. ((7-13)) <u>6-10</u>	Any Deer	GMU 651	50

Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)

Desert D	((Sept. 16-Oct. 6)) <u>Sept. 16-Oct. 5</u>	Any Deer	GMU 290	((35)) <u>62</u>
Quilomene C	((Nov. 24-Dec. 8)) <u>Nov. 23-Dec. 8</u>	Any ((Buck)) <u>Deer</u>	GMU 329	((90)) 126
Umtanum C	((Nov. 24-Dec. 8)) <u>Nov. 23-Dec. 8</u>	Any ((Buck)) <u>Deer</u>	GMU 342	((75)) <u>45</u>
Alkali E	((Nov. 24-Dec. 8)) <u>Nov. 23-Dec. 8</u>	Any Deer	GMU 371	((35)) <u>85</u>

Special Deer Permit Hunts for Hunters 65 or older.

((Walla Walla))	((Oct. 14-22))	((3-Pt. Min. or Antlerless))	((GMUs 149, 163))	((100))
<u>Blue Mtn. Foothills D</u>	<u>Oct. 13-21</u>	<u>3 Pt. Min. or Antlerless</u>	<u>GMUs 145, 146, 181</u>	<u>150</u>

Special Youth Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)

Blue Mtns. Foothills E	((Oct. 14-22)) <u>Oct. 13-21</u>	((3-Pt. Min. or Antlerless)) <u>Any Deer</u>	GMUs 149, 154, 162-166	((150)) <u>100</u>
Blue Mtns. Foothills F	((Oct. 14-22)) <u>Oct. 13-21</u>	((3-Pt. Min. or Antlerless)) <u>Any Deer</u>	GMUs 145, 172-181	75
<u>Mission</u>	<u>Oct. 13-21</u>	<u>Any Deer</u>	<u>GMU 251</u>	<u>50</u>
<u>Quilomene D</u>	<u>Oct. 13-21</u>	<u>Antlerless</u>	<u>GMU 328</u>	<u>75</u>
<u>Umtanum D</u>	<u>Oct. 13-21</u>	<u>Antlerless</u>	<u>GMU 342</u>	<u>75</u>
Toutle	((Oct. 14-31)) <u>Oct. 13-31</u>	Any Deer	GMU 556	100
Wind River <u>C</u>	((Oct. 14-31)) <u>Oct. 13-31</u>	2-Pt. Min. or Antlerless	GMU 574	75
Satsop <u>C</u>	Oct. 10-31	Any Deer	GMU 651	10
Skookumchuck ((D)) <u>C</u>	((Oct. 10-31)) <u>Oct. 6-31</u>	Any Deer	GMU 667	60

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 00-50, filed 5/23/00, effective 6/23/00)

WAC 232-28-279 2000-2002 Elk general seasons and ((2000-2001)) 2001-2002 special permits.

Bag Limit: One (1) elk per hunter during the ((2000)) 2001 hunting season.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area. ((The Northwest, Blue Mountains, Colockum, and Yakima elk tags are all valid for the Eastern Washington Tag Area.))

Any Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

PERMANENT

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-~~(371)~~ 368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but antler points on the lower half of the main beam must be at least four (4) inches long measured from antler tip to nearest edge of beam; all other antler points must be at least one (1) inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, and 588 and Muzzleloader Area 941.

GMUs Closed to Elk Hunting: 418 (Nooksack), and 437 (Sauk) except for ML Elk Area 941, 485 (Green River), 490 (Cedar River), 522 (Loo-wit) and 636 (Skokomish).

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

~~((Harvest Report Card: Successful hunters must fill out and return a Game Harvest Report Card within 10 days after taking an elk.))~~

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only in GMUs 127 and 130 for modern firearm hunters and permit only for all hunters in ~~((GMU))~~ GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Muzzleloader Area 941), 485, 490, 522, 636 and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

PERMANENT

Hunt Area	Elk Area	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EF	109 through 117, 124 east of Hwy 395	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any bull
		157				Permit only
		145 through 154, 162 through 186, 249, that part of GMU 250 south of Hwy 2, 251, 328, 329, 335 through 368	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Spike bull
		372, 382	Sept. 1-Oct. 13	((Sept. 1-Oct. 12)) Sept. 1-15	((Sept. 1-Oct. 11)) Sept. 1-15	Antlerless
			Oct. 28-Nov. 5	((Oct. 27-Nov. 4)) Oct. 1-5	((Oct. 26-Nov. 3)) Oct. 1-5	((Any elk)) Antlerless
			Dec. 9-13	((Dec. 8-12)) Oct. 27-Nov. 4	((Dec. 7-11)) Oct. 26-Nov. 3	((Antlerless)) Any elk
101, 105, 121, 124 west of Hwy 395, 127-142	Oct. 28-Nov. 5	Oct. 27-Nov. 4	((Oct. 26-Nov. 4)) Oct. 26-Nov. 3	Any elk		
Western Washington	WF	407, 448, 460, 466, 504 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 through 633, 638 through 684. Except AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660.	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min.
		501	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min. or antlerless
		564, 568, 574 through 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
		454	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any bull
		524, 556, 621, PLWMA 600	Nov. 4-12	Nov. 3-11	Nov. 2-10	Permit only

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.
Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through ((109, 121 through)) 142, 243, 247, 249, 250, 334	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		145 through 154, 162 through 186	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull
		328, 329, 330 , 335, 336, 340, 352, 356, 364	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
		113-117	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any ((bull)) elk
Western Washington	WA	454, 564, 568, 574, 578, 588	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 501 through ((506)) 505, ((520, 530;)) 550, 554, 558, 560, 572, ((652;)) 654, 660, 663, 667 through 673, 684 and Long Island	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless
		460, 466, 506 , 510, 513, 516, 520, 530 , 601, 602, 603, 612 through 618, 624 through 633, 638 through 651, 652 , 653, 658, 666, 681. AHE hunters only in Elk Area 064 in GMU 638, <u>and Elk Area 066 in GMU 660</u> . Permit only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, ((121)) 117 through 127	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		((117))	((Nov. 22-Dec. 8))	((Nov. 21-Dec. 8))	((Nov. 20-Dec. 8))	((Any bull))
		372		Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		178	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364 , 368 ((and that part of GMU 360 north of USFS Roads 324, 325, to the intersection of Carmack Canyon then east down Carmack Canyon bottom to Naches River and north to State Hwy 410))	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Spike bull or antlerless
		<u>That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near Woodshed Restaurant) and north and east of Nile elk fence.</u>		Nov. 22-Jan. 31, 2002		Antlerless only
Western Washington	WA	407, 505, ((652)) 666, 667, 672, 681 and Long Island. In GMU 681 closed between US Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallcut River.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min. or antlerless
		454, 564, 588	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk

PERMANENT

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
		((506, 520, 530,)) 603, 612, 615, 638, 648, and 652 except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638 and Elk Area 066 in GMU 660.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.
		506, 520, 530		Nov. 21-Dec. 2	Nov. 20-Dec. 1	3 pt. min. or antlerless
		506, 520, 530		Dec. 3-15	Dec. 2-15	3 pt. min.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	109, 247	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any bull
		127 through 142	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		172, 245, 250, 251, 342, 356, 368	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull
		ML 911	Aug. 19-Sept. 10	((Aug. 18-Sept. 9)) Aug. 15-Sept. 15	((Aug. 17-Sept. 8)) Aug. 15-Sept. 15	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull or Antlerless
Western Washington	WM	454, 564, 568, 684	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		460, ((504,)) 504, 513, 530, 554, 602, 603, 607, 652, 654, 660	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min.
		501	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	101, 105, 121, that part of 124 west of Hwy 395		Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any Elk
		130 through 142	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	Any elk
		346	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
		ML Area 944	Nov. 22- Dec. 8	((Nov. 21- Dec. 8))	((Nov. 20- Dec. 8))	Spike bull or antlerless
		ML Area 911		Dec. 1-31	Dec. 1-31	Spike bull or antlerless

PERMANENT

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
Western Washington	WM	501, 505	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 22- Dec. 15	Nov. 21- Dec. 15	Nov. 20- Dec. 15	Any elk
		574, 578	Nov. 22- Dec. 8	Nov. 21- Dec. 8	Nov. 20- Dec. 8	Any elk
		504, 550, 601, 652	Nov. 22- Dec. 15	Nov. 21- Dec. 15	Nov. 20- Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, Advanced Hunter Education Graduates only.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Grant, Adams, Douglas, Franklin, Okanogan, and Benton (south of the Yakima River), and Chelan County (north of Hwy 2, except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. 28-Nov. 15	Oct. 27-Nov. 15	Oct. 26-Nov. 15	Any elk
	EM	ML Area 911, Advanced Hunter Education Graduates only.	Nov. 24-Dec. 3	((Nov. 24-Dec. 2)) Nov. 24-30	((Nov. 23-Dec. 4)) Nov. 23-30	Spike bull or antlerless
Western Washington	WF	568, 574, 578, 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WF, WA, WM	564 (archery and muzzleloader methods only, modern firearm elk tag holders may hunt, but must use archery, muzzleloader or revolver type handgun equipment)	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WM	Muzzleloader Area 941 (muzzleloader only)	11/1/2000 - 1/31/2001	11/1/2001 - 1/31/2002	11/1/2002 - 1/31/2003	Any elk
	WA	Muzzleloader Area 941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

PERMANENT

PERMANENT

Hunt Name	((2000)) 2001 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	((2000)) 2001 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 154	((4)) 3
Watershed ((*) §	((Oct. 28-Nov. 5)) Oct. 27-Nov. 4	3 Pt. Min. or Ant- lerless	EA, EF, EM	GMU 157	40
Dayton A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 162	((9)) 6
Tucannon A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	Part of GMU 166 ((**)) †	2
Wenaha A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 169	5
Mountain View A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 172	((7)) 8
Couse A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 181	1
Grande Ronde A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 186	1
Peaches Ridge A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMUs 336, 346	((53)) 86
((Observatory A))	((Oct. 23-Nov. 5))	((Any Bull))	((EF))	((GMUs 340, 342))	((36))
Goose Prairie A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMUs 352, 356	((18)) 176
Bethel A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 360	((86)) 120
Rimrock A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 364	((88)) 103
Cowiche A	((Oct. 23-Nov. 5)) Oct. 22-Nov. 4	Any Bull	EF	GMU 368	((21)) 26
Margaret A	Nov. ((4-12)) 3-11	3 Pt. Min.	WF	GMU 524	((10)) 18
Toutle A	Nov. ((4-12)) 3-11	3 Pt. Min.	WF	GMU 556	((85)) 90
Olympic A	Nov. ((4-12)) 3-11	3 Pt. Min.	WF	GMU 621 ^h	((14)) 21

~~((*)~~ §Permit season is open for archery and muzzleloader, but hunt is the same as modern firearm and all hunters must wear hunter orange.

~~((**))~~ †~~((The))~~ That part of GMU 166 west of the Tucannon River.

^hThat part of GMU 621 south of the BPA power lines.

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Three Forks	((Oct. 23-Nov. 5)) Oct. 27-Nov. 4	Any Elk	EF or EM	GMU 109	((20)) 15
49 Degrees North	Oct. 27-Nov. 4	Any Elk	EF or EM	GMU 117	15
Mount Spokane	((Oct. 23-Nov. 5)) Oct. 27-Nov. 4	Any Elk	EF or EM	124 (E. of SR 395)	50
Blue Creek E	Oct. 22-Nov. 4	Antlerless	EF or EM	GMUs 149, 154	50
Dayton D	Oct. 22-Nov. 4	Antlerless	EF or EM	GMUs 162, 163 ⁱ	100
Shushuskin ⁱ	Dec. 1-31	Antlerless	EF or EM	Elk Area 031	((48)) 75
Malaga A ((**)) †	Sept. 1-Oct. 1	Antlerless	EF or EM	Elk Area 032	((63)) 65
Malaga B ⁱ	((Nov. 11-Dec. 31)) Nov. 10-Dec. 31	Antlerless	EF or EM	Elk Area 032	((37)) 75

<u>Peshastin A</u> ⁱ	<u>Dec. 1-31</u>	<u>Any Elk</u>	<u>EF or EM</u>	<u>Elk Area 033</u>	<u>5</u>
<u>West Bar A</u>	<u>Oct. 22-31</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 330</u>	<u>10</u>
<u>West Bar B</u>	<u>Nov. 1-4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 330</u>	<u>10</u>
<u>Taneum</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 336</u>	((+56)) <u>200</u>
<u>Manastash</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 340</u>	((270)) <u>400</u>
<u>Observatory A</u>	<u>Oct. 22-Nov. 4</u>	<u>Any Elk</u>	<u>EF</u>	<u>GMUs 340, 342, 371</u>	<u>48</u>
<u>Umtanum A</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 342</u>	((333)) <u>400</u>
<u>Cleman</u> ^j	<u>Dec. 9-31</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>ML Area 944</u>	<u>75</u>
<u>Little Naches A</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 346</u>	((250)) <u>250</u>
<u>Little Naches B</u>	<u>Oct. 1-10</u>	<u>Any Bull</u>	<u>EF or EM</u>	<u>GMU 346</u>	((+8)) <u>25</u>
<u>Nile</u>	((Nov. 1-5)) <u>Oct. 31-Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 352</u>	((+00)) <u>300</u>
<u>Bumping</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 356</u>	((330)) <u>530</u>
<u>Bethel B</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 360</u>	((+20)) <u>275</u>
<u>Rimrock B</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 364</u>	((280)) <u>275</u>
<u>Cowiche B</u>	((Nov. 1-5)) <u>Oct. 31- Nov. 4</u>	<u>Antlerless</u>	<u>EF or EM</u>	<u>GMU 368</u>	((+80)) <u>180</u>
((Alkali A)) <u>Willapa Hills</u>	((Oct. 28-Nov. 5)) <u>Nov. 7- 11</u>	((Any Elk)) <u>Antlerless</u>	((EF or EM)) <u>WF or WM</u>	((GMU 371)) <u>GMU 506</u>	((+00)) <u>50</u>
<u>Raymond C</u>	<u>Dec. 1-31</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>Part of GMUs 506 and 673^k</u>	<u>15</u>
<u>Raymond D</u>	<u>Jan. 1-31, 2002</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>Part of GMUs 506 and 673^k</u>	<u>15</u>
<u>Raymond E</u>	<u>Feb. 1-28, 2002</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>Part of GMUs 506 and 673^k</u>	<u>15</u>
<u>Winston</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 520</u>	<u>15</u>
<u>Margaret B</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 524</u>	<u>10</u>
<u>Ryderwood</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 530</u>	<u>40</u>
<u>Coweeman</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 550</u>	<u>20</u>
<u>Toutle B</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 556</u>	<u>30</u>
<u>Marble</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 558</u>	<u>60</u>
<u>Carlton</u>	<u>Oct. 1-10</u>	<u>3-Pt. Min.</u>	<u>WF or WM</u>	<u>Elk Area 057</u>	<u>5</u>
<u>West Goat Rocks</u>	<u>Oct. 1-10</u>	<u>3-Pt. Min.</u>	<u>WF or WM</u>	<u>Elk Area 058</u>	<u>5</u>
<u>Mt. Adams</u>	<u>Oct. 1-10</u>	<u>3-Pt. Min.</u>	<u>WF or WM</u>	<u>Elk Area 059</u>	<u>5</u>
<u>Lewis River</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 560</u>	<u>75</u>
<u>Siouxon</u>	<u>Nov. ((8-12)) 7-11</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 572</u>	<u>50</u>
<u>Dungeness A</u>	<u>Nov. ((8-12)) 28-Dec. 2</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>Part of GMU 621([*])^l</u>	((9)) <u>6</u>
<u>Dungeness B</u>	<u>Nov. ((8-12)) Dec 5-9</u>	((3-Pt. Min)) <u>Antlerless</u>	<u>WF or WM</u>	<u>Part of GMU 621([*])^l</u>	((4)) <u>6</u>
<u>Dungeness C</u>	<u>Dec. 12-16</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>Part of GMU 621^l</u>	<u>6</u>

PERMANENT

<u>Satsop</u>	<u>Dec. 1-15</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>GMU 651</u>	<u>15</u>
Puyallup A	Jan. 15-23, <u>2002</u>	Antlerless	WF or WM	GMU 652	25
Mashel A	Dec. ((16-22)) <u>15-23</u>	Antlerless	WF or WM	Part of GMU 654((***) ⁱⁱⁱ)	((20)) <u>25</u>
<u>North Minot A</u>	<u>Oct. 20-31</u>	<u>Antlerless</u>	<u>WF or WM</u>	<u>Elk Area 067</u>	<u>30</u>
Deschutes A	Jan. 15-23, <u>2002</u>	Antlerless	WF or WM	GMU 666	10
Williams Creek	Nov. ((8-12)) <u>7-11</u>	Antlerless	WF or WM	GMU 673	40

ⁱ That part of GMUs 162 and 163 excluding National Forest lands and Rainwater Wildlife Area.
 ((**)) ^jDamage hunt.

^k That part of GMUs 506 and 673 within 1 mile of SR 6 between the east end of elk Prairie Rd and the Mallis Landing Rd.
 ((*) ^lThat part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

((***) ^mThat part of GMU 654 south of the Puyallup River.

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Note-Fire Closures may limit access during early October seasons

Blue Creek B	((Oct. 1-13)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 154	1
Dayton B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 162	((2)) <u>1</u>
Tucannon B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 166	1
Wenaha C	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 169	1
Mountain View B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 172	((2)) <u>1</u>
Couse B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 181	1
Grande Ronde B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 186	1
Peaches Ridge B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMUs 336, 346	((9)) <u>11</u>
((Observatory B))	((Oct. 1-10))	((Any Bull))	((EM))	((GMUs 340, 342))	((9))
Goose Prairie B	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMUs 352, 356	((18)) <u>22</u>
Bethel C	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 360	((11)) <u>17</u>
Rimrock C	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 364	((12)) <u>13</u>
Cowiche C	((Oct. 1-10)) <u>Oct. 1-12</u>	Any Bull	EM	GMU 368	((4)) <u>6</u>
Margaret C	((Oct. 1-10)) <u>Oct. 1-12</u>	3 Pt. Min.	WM	GMU 524	((2)) <u>3</u>
Toutle C	((Oct. 1-10)) <u>Oct. 1-12</u>	3 Pt. Min.	WM	GMU 556	((17)) <u>15</u>
Olympic B	((Oct. 1-10)) <u>Oct. 1-12</u>	3 Pt. Min.	WM	GMU 621	((2)) <u>3</u>
((Dungeness C))	((Oct. 1-10))	((3 Pt. Min.))	((WM))	((Part of GMU 621*))	((4))

((^{*}That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.))

Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek C((*) ^j)	((12/1/00-1/31/01)) <u>12/1/01-1/31/02</u>	Antlerless	EM	GMU 154	((50)) <u>60</u>
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PERMANENT

Columbia A ⁱ	Dec. 1-31	Antlerless	EM	Part of GMU 162((**)) ^a , 163	((30)) <u>50</u>
Columbia B ⁱ	Jan. 1-31, ((2004)) <u>2002</u>	Antlerless	EM	Part of GMU 162((**)) ^a , 163	((30)) <u>50</u>
Couse C((*) ⁱ)	Dec. 1-31	Antlerless	EM	GMU 181	25
Couse D((*) ⁱ)	Jan. 1-31, ((2004)) <u>2002</u>	Antlerless	EM	GMU 181	25
<u>West Bar C</u>	<u>Oct. 1-12</u>	<u>Antlerless</u>	<u>EM</u>	<u>GMU 330</u>	<u>10</u>
<u>Observatory B</u>	<u>Oct. 1-12</u>	<u>Any Elk</u>	<u>EM</u>	<u>GMUs 340, 342, 371</u>	<u>9</u>
Umtanum B	Oct. ((7-13)) <u>6-12</u>	Antlerless	EM	GMU 342	((250)) <u>350</u>
((Cowiche D))	((Oct. 7-13))	((Antlerless))	((EM))	((GMU 368))	((100))
((Alkali B))	((Oct. 7-13))	((Any Elk))	((EM))	((GMU 374))	((100))
Stella A((*) ⁱ)	Nov. 26-Dec. 15	Antlerless	WM	GMU 504	100
Stella B((*) ⁱ)	Jan. 1-16, ((2004)) <u>2002</u>	Antlerless	WM	GMU 504	25
Toledo A((*) ⁱ)	Jan. 1-16, ((2004)) <u>2002</u>	Antlerless	WM	Elk Area 029	((75)) <u>30</u>
Malaga ((C*) ⁱ) D ⁱ	Oct. ((7-29)) <u>6-25</u>	Antlerless	EM	Elk Area 032	75
Peshastin B ⁱ	<u>Aug. 18-Sept. 23</u>	<u>Antlerless</u>	<u>EM</u>	<u>Elk Area 033</u>	<u>20</u>
Mossyrock A((*) ⁱ)	Jan. 1-16, ((2004)) <u>2002</u>	Antlerless	WM	Elk Area 052	10
Randle A((*) ⁱ)	Jan. 1-16, ((2004)) <u>2002</u>	Antlerless	WM	Elk Area 053	15
Boistfort((*) ⁱ)	Jan. 1-16, ((2004)) <u>2002</u>	Antlerless	WM	Elk Area 054	20
Yale((*) ⁱ)	Nov. 26-Dec. 15	3 Pt. Min. or Antlerless	WM	GMU 554	75
<u>Satsop</u>	<u>Oct. 6-14</u>	<u>Antlerless</u>	<u>WM</u>	<u>GMU 651</u>	<u>10</u>
North River* ⁱ	Nov. 26-Dec. 15	Antlerless	WM	GMU 658	20
North Minot ((Peak)) B ⁱ	Oct. ((7-13)) <u>6-14</u>	Antlerless	WM	((GMU 660***) <u>Elk Area 067</u>	30
<u>Raymond Aⁱ</u>	<u>Oct. 1-31</u>	<u>Antlerless</u>	<u>WM</u>	<u>Part of GMUs 506 and 673^k</u>	<u>15</u>

((*)ⁱ) Damage hunt.

^kThat part of GMUS 506 and 673 within 1 mile of SR6 between the east end of Elk Prairie Rd. and the Mallis Landing Rd.

((***)^a) That part of GMU 162 east of North Touchet Rd, ((outside)) excluding National Forest, Mostly private land, winter road closures in GMU 162.

((***That part of GMU 660 north of the River Brooklyn Road.))

Archery ((Bull)) Permit Hunts (Only archery elk tag holders may apply.)

Note-Fire closures may limit access during September seasons.

Blue Creek D	Sept. 1-14	Any Bull	EA	GMU 154	2
Dayton C	Sept. 1-14	Any Bull	EA	GMU 162	((7)) <u>4</u>
Tucannon C	Sept. 1-14	Any Bull	EA	GMU 166	((3)) <u>1</u>
Wenaha D	Sept. 1-14	Any Bull	EA	GMU 169	((3)) <u>2</u>
Mountain View C	Sept. 1-14	Any Bull	EA	GMU 172	((8)) <u>6</u>
Couse F	Sept. 1-14	Any Bull	EA	GMU 181	1
Grande Ronde C	Sept. 1-14	Any Bull	EA	GMU 186	1
Peaches Ridge C	Sept. 1-14	Any Bull	EA	GMUs 336, 346	((54)) <u>88</u>
Observatory C	Sept. 1-14	Any ((Bull)) <u>Elk</u>	EA	GMUs 340, 342, 371	((34)) <u>40</u>

PERMANENT

Goose Prairie C	Sept. 1-14	Any Bull	EA	GMUs 352, 356	((170)) 267
Bethel D	Sept. 1-14	Any Bull	EA	GMU 360	((78)) 100
Rimrock D	Sept. 1-14	Any Bull	EA	GMU 364	((65)) 87
Cowiche D	Sept. 1-14	Any Bull	EA	GMU 368	((22)) 20
((Alkali))	((Sept. 1-14))	((Any Elk))	((EA))	((GMU 371))	((50))
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	((6)) 8
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	((64)) 55
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621 ^h	((4)) 6
<u>Quinault</u>	<u>Nov. 21-Dec. 15</u>	<u>Antlerless</u>	<u>WA</u>	<u>That part of GMU 638 in the Quinault drainage</u>	<u>20</u>
Mashel B ⁱ	Jan. ((15-23)) <u>12-21, 2002</u>	Antlerless	WA	Part of GMU 654 ((**)) ^m	((25)) <u>40</u>
Raymond B ⁱ	((Jan. 1-31, 2001)) <u>Nov. 16-30</u>	Antlerless	WA	Part of GMUs 506 and 673 ((**)) ^k	((10)) <u>15</u>
((Raymond A))	((Dec. 1-31))	((Antlerless))	((WA))	((Part of GMUs 506 and 673))	((10))
((Dungeness D))	((Sept. 1-14))	((3 Pt. Min.))	((WA))	((Part of GMU 621*))	((1))
<u>Satsop</u>	<u>Sept. 1-14</u>	<u>3 Pt. Min. or Antlerless</u>	<u>WA</u>	<u>GMU 651</u>	<u>15</u>
<u>Tanwax</u>	<u>Jan. 12-21, 2002</u>	<u>Antlerless</u>	<u>WA</u>	<u>GMU 652, excluding areas bounded by Highways 167, 410, and 164.</u>	<u>35</u>

^hThat part of GMU 621 south of the BPA power lines.

ⁱDamage hunt.

~~((**))~~ ^k That part of GMUs 506 and 673 within 1 mile of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd.

~~((*)~~ ^l That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

~~((**))~~ ^m That part of GMU 654 south of the Puyallup River.

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (only AHE graduates may apply).

Toledo B	Jan. 17-31, ((2001)) <u>2002</u>	Antlerless	Any Elk Tag	Elk Area 029	((50)) <u>20</u>
Mossyrock B	Jan. 17-31, ((2001)) <u>2002</u>	Antlerless	Any Elk Tag	Elk Area 052	10
Randle B	Jan. 17-31, ((2001)) <u>2002</u>	Antlerless	Any Elk Tag	Elk Area 053	15
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
((South Bank A))	((Jan. 1-30, 2001))	((Antlerless))	((Any Elk Tag))	((Elk Area 062*))	((10))
<u>Chehalis Valley A</u>	<u>Sept. 15-30</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>10</u>
<u>Chehalis Valley B</u>	<u>Oct. 1-31</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>10</u>
<u>Chehalis Valley C</u>	<u>Nov. 15-30</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>10</u>
<u>Chehalis Valley E</u>	<u>Jan. 1-31, 2002</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>10</u>
<u>Chehalis Valley F</u>	<u>Feb. 1-28, 2002</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>10</u>

~~((*Firearm Restriction Area - Hunters may use only muzzleloader equipment.))~~

Persons of Disability Only - Special Elk Permit Hunts

Observatory D	Oct. 24-Nov. 7	Any Elk	EF or EM	GMUs 340, 342	((3)) 5
Little Naches C	Oct. 1-10	Any Elk	EF, EM, EA	GMU 346	((3)) 5

PERMANENT

Little Naches D	Oct. 30-Nov. 7	Antlerless	EF, EM, EA	GMU 346	((4)) 10
Centralia Mine A	Oct. ((28-29)) <u>27-28</u>	Antlerless	Any Elk Tag	Portion of GMU 667 ((*) ^μ	((4)) <u>2</u>
Centralia Mine B ((South Bank B))	Nov. ((4-5)) <u>3-4</u> ((Dec. 10-20))	Antlerless Only ((Antlerless))	Any Elk Tag ((Any Elk Tag))	Portion of GMU 667 ((*) ^μ ((Elk Area 062***))	((4)) <u>2</u> ((3))
North Shore A	Oct. 1-31	Antlerless	Any Elk Tag	Part of GMU 658 ((*) ^μ	5
North Shore B	Dec. 1-31	Antlerless	Any Elk Tag	Part of GMU 658 ((*) ^μ	5
North Shore C	Jan. 1-31, ((2001)) <u>2002</u>	Antlerless	Any Elk Tag	Part of GMU 658 ((*) ^μ	5
<u>Skookumchuck A</u>	<u>Nov. 17-25</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>GMU 667</u>	<u>4</u>
<u>Skookumchuck B</u>	<u>Dec. 6-16</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>GMU 667</u>	<u>4</u>
<u>Chehalis Valley D</u>	<u>Dec. 1-31</u>	<u>Antlerless</u>	<u>Any Elk Tag</u>	<u>Elk Area 066</u>	<u>15</u>

((*)) ^μ Portion of GMU 667 within Centralia Mine.

((**)) ^μ That part of GMU 658 south and west of SR 105 between Raymond and North River Bridge.

~~((***Firearm Restriction Area— Hunters may use only muzzleloader equipment.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 01-11-038
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 9, 2001, 11:33 a.m., effective September 1, 2001]

Date of Adoption: May 9, 2001.

Purpose: Chapter 296-800 WAC, Safety and health core rules.

In 1999, the Washington state legislature approved funding for a redesign of WISHA safety and health rules. Innovations will contribute to safer and more healthful workplaces in Washington by simplifying the language of the rules and organizing them for ease of use. The purpose of this project is to develop a user-friendly rulebook of core requirements that apply to most employers in the state of Washington. We organized the safety and health rules that apply to most employers into one rulebook. We did not change or increase requirements with this rulemaking.

INNOVATIONS
Chapter 296-24 WAC,
General safety and health standards.

Chapter 296-24 WAC, Part A-1, General, educational, medical and first-aid requirements.

- The title of this part has been changed to "Purpose and scope."

Chapter 296-24 WAC, Part G-1, Means of Egress.

- The title of this part has been changed to "Automatic sprinkler systems, Fire alarm signaling systems, and Employee emergency plans and fire prevention plans."

Chapter 296-24 WAC, Part A-2, Personal Protective Equipment.

- Added a reference indicating that personal protective equipment requirements have been moved to WAC 296-800-160.
- Added a reference indicating that electrical personal protective equipment requirements have been moved to WAC 296-24-980.
- Reserved this part.

WAC 296-24-005 Purpose and scope.

- This section has been rewritten to include a reference to chapter 296-800 WAC, Safety and health core rules.

WAC 296-24-006 Equipment approval by nonstate agency or organization.

- This section has been repealed.

WAC 296-24-007 Incorporation of standards of national organization.

- This section has been moved to WAC 296-800-360.
- This section has been repealed.

WAC 296-24-008 Incorporation of standards of federal agency.

- This section has been moved to WAC 296-800-360.
- This section has been repealed.

WAC 296-24-010 Variance and procedure.

- This section is located in WAC 296-27-350.
- This section has been repealed.

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

- This section has been repealed.

PERMANENT

WAC 296-24-020 Management's responsibility.

- Requirements relating to establishing, supervising, and enforcing a safe and healthful working environment; an accident prevention program; and training programs have been moved to WAC 296-800-110 and 296-800-140.
- Requirements relating to the investigation of accidents that have caused serious injuries have been moved to WAC 296-800-320.
- Requirements relating to equipment that has been involved in an immediate or probable fatality or the inpatient hospitalization of two or more employees have been moved to WAC 296-800-320.
- Requirements relating to machinery, tools, material and equipment meeting compliance requirements have been moved to WAC 296-800-110.
- Requirements relating to the posting of a notice or notices (the WISHA poster, Job safety and health protection; form F416-081-000) have been moved to WAC 296-800-200.
- Requirements relating to systems of maintaining records of occupational injuries and illnesses have been moved to WAC 296-27-030.
- This section has been repealed.

WAC 296-24-025 Employee's responsibility.

- Requirements relating to the responsibilities of employees have been moved to WAC 296-800-120.
- This section has been repealed.

WAC 296-24-040 Accident prevention programs.

- Requirements relating to the formal accident prevention program have been moved to WAC 296-800-140.
- This section has been repealed.

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

- Requirements relating to safety and health committee plans have been moved to WAC 296-800-130.
- This section has been repealed.

WAC 296-24-055 Safety bulletin board.

- Requirements relating to the safety bulletin board have been moved to WAC 296-800-190.
- This section has been repealed.

WAC 296-24-061 First-aid requirements.

- Requirements relating to first-aid have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06105 What workplaces does this rule apply to?

- Requirements relating to who the first-aid requirements apply to have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06110 What is the purpose of this rule?

- The purpose of the first-aid requirements has been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06115 What definitions apply to this section?

- Definitions relating to first aid have been moved to WAC 296-800-370.
- This section has been repealed.

WAC 296-24-06120 How must an employer ensure that first-aid assistance is available in the workplace?

- Requirements relating to ensuring that first-aid assistance is available have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06125 How many employees must be trained in first aid?

- Requirements relating to how many employees must be trained in first aid have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06130 What must first-aid training cover?

- Requirements relating to what first-aid training must cover have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06135 How often must employees complete first-aid training?

- Requirements relating to how often employees must complete first-aid training have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06140 How must an employer document first-aid training?

- Requirements relating to documentation of first-aid training have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06145 What is the requirement for first-aid supplies?

- Requirements relating to first-aid supplies have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06150 What is the requirement to provide a first-aid station?

- Requirements relating to first-aid stations have been moved to WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06155 Appendix 1—Evaluation worksheet for the first-aid response plan.

- This appendix has been incorporated into WAC 296-800-150.
- This section has been repealed.

WAC 296-24-06160 Appendix 2—First-aid kit guidance.

- This appendix has been incorporated into WAC 296-800-150.
- This section has been repealed.

WAC 296-24-073 Safe place standards.

- Requirements relating to safe place standards have been moved to WAC 296-800-110.
- This section has been repealed.

WAC 296-24-075 Personal protective equipment.

- This section has been repealed.

WAC 296-24-07501 General requirements.

- General requirements relating to personal protective equipment have been moved to WAC 296-800-160.
- This section has been repealed.

WAC 296-24-078 Eye and face protection.

- Requirements relating to eye and face protection have been moved to WAC 296-800-160.
- This section has been repealed.

WAC 296-24-07801 General.

- General requirements relating to eye and face protection have been moved to WAC 296-800-160.
- A chart relating to filter lenses for protection against radiant energy has been moved to WAC 296-24-70003.
- This section has been repealed.

WAC 296-24-084 Occupational head protection.

- Requirements relating to occupational head protection have been moved to WAC 296-800-160.
- This section has been repealed.

WAC 296-24-086 Personal flotation devices.

- Requirements relating to personal flotation devices have been moved to WAC 296-800-160.
- This section has been repealed.

WAC 296-24-088 Occupational foot protection.

- Requirements relating to occupational foot protection have been moved to WAC 296-800-160.
- This section has been repealed.

WAC 296-24-090 Hand protection.

- Requirements relating to hand protection have been moved to WAC 296-800-160.
- This section has been repealed.

WAC 296-24-092 Electrical protective equipment.

- Requirements relating to electrical protective equipment have been moved to WAC 296-24-980.
- This section has been repealed.

WAC 296-24-094 Lighting and illumination.

- Requirements relating to lighting and illumination have been moved to WAC 296-800-210.
- This section has been repealed.

WAC 296-24-096 Appendix A to Part A-2—References for further information (nonmandatory).

- This section has been repealed.

WAC 296-24-098 Appendix B to Part A-2—Nonmandatory compliance guidelines for hazard assessment and personal protective equipment selection.

- This appendix has been incorporated into WAC 296-800-160.

- This section has been repealed.

WAC 296-24-10203 General requirements.

- Update a reference.

WAC 296-24-12001 Scope.

- Update references.

WAC 296-24-12003 General requirements. Housekeeping.

- All general requirements relating to housekeeping have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-12005 Water supply.

- Requirements relating to potable water have been moved to WAC 296-800-230.
- Requirements relating to the construction of nonpotable water systems have been moved to WAC 296-800-230.
- Requirements relating to outlets for nonpotable water have been moved to WAC 296-800-230.
- This section has been repealed.

WAC 296-24-12007 Toilet facilities.

- Requirements relating to general toilet facilities have been moved to WAC 296-800-230.
- Requirements relating to the construction of toilet rooms have been moved to WAC 296-800-230.
- This section has been repealed.

WAC 296-24-12009 Washing facilities.

- General requirements relating to washing facilities have been moved to WAC 296-800-230.
- Requirements relating to lavatories have been moved to WAC 296-800-230.
- Requirements relating to showers have been moved to WAC 296-24-12010.
- This section has been repealed.

WAC 296-24-12010 Showers.

- Moved requirements relating to showers to this section for better organization of information.

WAC 296-24-12019 Waste disposal.

- Requirements relating to waste disposal have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-12021 Vermin control.

- Requirements relating to vermin control have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-14007 Sign design and colors.

- Update a reference.

WAC 296-24-21503 Secure storage.

- Requirements relating to the secure storage of material have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-21505 Housekeeping.

- Requirements relating to housekeeping hazards within a storage area have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-21507 Drainage.

- Requirements relating to proper drainage have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-23503 General requirements.

- Update a reference.

WAC 296-24-23507 Footwalks and ladders.

- Add a reference.

WAC 296-24-23513 Electric equipment.

- Add a reference.

WAC 296-24-40513 Extinguishment.

- Update a reference.

WAC 296-24-550 Means of egress.

- Requirements relating to means of egress have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-55003 General requirements.

- General requirements relating to means of egress have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-55005 Fundamental requirements.

- Fundamental requirements relating to means of egress have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-55007 Protection of employees exposed by construction and repair operations.

- Requirements relating to the protection of employees exposed by construction and repair operations have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-55009 Maintenance.

- Requirements relating to the maintenance of automatic sprinkler systems, fire detection and alarm systems, exit lighting and fire doors have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-565 Means of egress, general.

- This section has been repealed.

WAC 296-24-56501 Permissible exit components.

- Requirements relating to exit components have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56503 Protective enclosure of exits.

- Requirements relating to the protective enclosure of exits have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56505 Width and capacity of means of egress.

- Requirements relating to the capacity in number of persons per unit of exit width have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56507 Egress capacity and occupant load.

- Requirements relating to egress capacity and occupant load have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56509 Arrangement of exits.

- Requirements relating to the arrangement of exits have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56511 Access to exits.

- Requirements relating to the access to exits have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56513 Exterior ways of exit access.

- Requirements relating to the exterior ways of exit access have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56515 Discharge from exits.

- Requirements relating to the discharge from exits have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56517 Headroom.

- Requirements relating to the headroom for means of egress have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56519 Changes in elevation.

- Requirements relating to the changes in elevation for means of egress have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56521 Maintenance and workmanship.

- Requirements relating to the means of egress being continuously maintained free of all obstructions or impediments have been moved to WAC 296-800-310.
- Requirements relating to devices or alarms installed to restrict the improper use of an exit to not impede or prevent emergency use have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56523 Furnishings and decorations.

- Requirements relating to furnishings and decorations obstructing exits have been moved to WAC 296-800-310.
- Requirements relating to furnishings and decorations being of an explosive or highly flammable character have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56529 Fire retardant paints.

- Requirements relating to fire retardant paints have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-56531 Exit marking.

- Requirements relating to exit marking have been moved to WAC 296-800-310.
- This section has been repealed.

WAC 296-24-567 Employee emergency plans and fire prevention.

- Updated a reference.

WAC 296-24-58513 Protective clothing.

- Update references.

WAC 296-24-58517 Appendix A—Fire brigades.

- Update a reference.

WAC 296-24-59201 Scope and application.

- Rewritten for clarity.

WAC 296-24-59205 General requirements.

- General requirements relating to portable fire extinguishers have been moved to WAC 296-800-300.
- This section has been repealed.

WAC 296-24-59207 Selection and distribution.

- Requirements relating to the selection and distribution of portable fire extinguishers have been moved to WAC 296-800-300.
- This section has been repealed.

WAC 296-24-59209 Inspection, maintenance and testing.

- Requirements relating to the inspection, maintenance and testing of portable fire extinguishers have been moved to WAC 296-800-300.
- This section has been repealed.

WAC 296-24-59211 Hydrostatic testing.

- The requirements relating to hydrostatic testing of portable fire extinguishers have been moved to WAC 296-800-300.
- Remaining requirements relating to hydrostatic testing have been moved to WAC 296-24-59212 for better organization of information.
- This section has been repealed.

WAC 296-24-59212 Hydrostatic testing.

- Created this section relating to hydrostatic testing for better organization of information.

WAC 296-24-59213 Training and education.

- Requirements relating to the training and education of portable fire extinguishers have been moved to WAC 296-800-300.
- This section has been repealed.

WAC 296-24-59215 Appendix A—Portable fire extinguishers.

- Update a reference.

WAC 296-24-61705 Total flooding systems with potential health and safety hazards to employees.

- Rewritten for clarity.

WAC 296-24-62203 Specific requirements.

- Rewritten for clarity.

WAC 296-24-65001 General requirements.

- Requirements relating to the safe condition of tools and equipment used by employees have been moved to WAC 296-800-110.
- This section has been repealed.

WAC 296-24-65501 Portable powered tools.

- Add a reference.

WAC 296-24-67515 Personal protective equipment.

- Update a reference.

WAC 296-24-68503 Application of arc welding equipment.

- Add a reference.

WAC 296-24-68505 Installation of arc welding equipment.

- Add references.

WAC 296-24-69001 General.

- Add a reference.

WAC 296-24-70003 Eye protection.

- Moved chart relating to filter lenses for protection against radiant energy from WAC 296-24-07801 for better organization of information.

WAC 296-24-70005 Protective clothing.

- Add a reference.

WAC 296-24-73503 Housekeeping.

- Requirements relating to housekeeping hazards on walking/working surfaces have been moved to WAC 296-800-220.
- This section has been repealed.

WAC 296-24-73509 Floor loading protection.

- Requirements relating to floor loading protection have been moved to WAC 296-800-270.
- This section has been repealed.

WAC 296-24-73513 Buildings—Floors.

- Requirements relating to buildings and floors have been moved to WAC 296-800-270.
- This section has been repealed.

WAC 296-24-76505 Where fixed stairs are required.

- Requirements relating to where fixed stairs are required have been moved to WAC 296-800-250.
- This section has been repealed.

WAC 296-24-76507 Stair strength.

- Requirements relating to the design and construction of fixed stairs have been moved to WAC 296-800-250.

WAC 296-24-76509 Stair width.

- Requirements relating to stair width have been moved to WAC 296-800-250.

WAC 296-24-76513 Stair treads.

- Requirements relating to stair treads have been moved to WAC 296-800-250.

WAC 296-24-76517 Railings and handrails.

- Requirements relating to railings and handrails have been moved to WAC 296-800-250.
- This section has been repealed.

WAC 296-24-780 Portable wood ladders.

- Some definitions relating to portable wood ladders have been moved to WAC 296-800-290 and 296-24-370.

WAC 296-24-95607 Wiring design and protection.

- Requirements relating to the polarity of connections have been moved to WAC 296-800-280.
- Requirements relating to outlet devices have been moved to WAC 296-800-280.
- Requirements relating to grounding have been moved to WAC 296-800-280.
- Update references.

WAC 296-24-980 Safeguards for personnel protection.

- Move requirements relating electrical protection equipment from WAC 296-24-092 to this section for better organization of information.
- Update references.

Chapter 296-27 WAC, Administrative rules.

The following sections from the administrative rules standard have been clear rule written and moved into a new chapter for better organization of information.

WAC 296-27-090 Reporting of fatality or multiple hospitalization incidents.

- Requirements relating to the reporting of fatality or multiple hospitalization incidents have been moved to WAC 296-800-320.
- Requirements relating to equipment that has been involved in an immediate or probable fatality or the inpatient hospitalization of two or more employees have been moved to WAC 296-800-320.
- This section has been repealed.

WAC 296-27-15501 Division of consultation and compliance, public records.

- Requirements relating to public records have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-15503 Special exemptions for confidential reports within the department's files.

- Requirements relating to exemptions for confidential reports have been moved to WAC 296-800-340.
- This section has been repealed.

WAC 296-27-15505 Accident investigation reports.

- Requirements relating to accident investigation reports have been moved to WAC 296-800-330.
- This section has been repealed.

WAC 296-27-210 Abatement verification.

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21001 What is the purpose of this rule?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21005 When does this rule apply?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21010 What definitions apply to this rule?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21015 What must an employer do when asked to abate a violation?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21020 When must an employer submit additional documentation of abatement?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21025 When must an employer provide abatement plans?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21030 When must an employer submit progress reports?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21035 What must an employer do to keep employees informed about abatement activities?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21040 How will the department determine the date that documents are submitted?

- Requirements relating to abatement verification have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21045 What are the requirements related to movable equipment?

- Requirements relating to movable equipment have been moved to WAC 296-800-350.
- This section has been repealed.

WAC 296-27-21050 Appendix A (nonmandatory).

- This section has been repealed.

Chapter 296-32 WAC,**Safety standards for telecommunications.****WAC 296-32-200 Scope and application.**

- Updated references.

WAC 296-32-220 General.

- Updated references.

WAC 296-32-230 Training.

- Updated references.

WAC 296-32-250 Tools and personal protective equipment—General.

- Updated references.

WAC 296-32-260 Rubber insulating equipment.

- Updated references.

Chapter 296-37 WAC,**Safety standards for diving operations.****WAC 296-37-510 Scope and application.**

- Updated references.

WAC 296-37-575 Record-keeping requirements.

- Updated references.

Chapter 296-45 WAC,**Safety standards for electrical work.****WAC 296-45-015 Scope and application.**

- Updated references.

WAC 296-45-035 Definitions.

- Updated a reference.

WAC 296-45-055 Employer's responsibility.

- Updated a reference.

WAC 296-45-075 Employer's safety program.

- Updated references.

WAC 296-45-125 Medical services and first aid.

- Updated references.

WAC 296-45-25505 Personal protective equipment.

- Added a reference.

WAC 296-45-275 Ladders, platforms, and manhole steps.

- Updated references.

WAC 296-45-285 Hand, and portable powered tools.

- Updated references.

WAC 296-45-45510 Sprayers and related equipment.

- Updated references.

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels.

- Updated a reference.

Chapter 296-52 WAC,**Safety standards for possession and handling of explosives.****WAC 296-52-465 Storage of ammonium nitrate.**

- Updated a reference.

WAC 296-52-489 Transportation.

- Updated a reference.

WAC 296-52-497 Blasting agents.

- Updated references.

WAC 296-52-501 Water gel (slurry) explosives and blasting agents.

- Updated a reference.

Chapter 296-54 WAC,**Safety standards for logging operations.****WAC 296-54-501 Scope and application.**

- Updated a reference.

WAC 296-54-507 Employer's responsibilities.

- Updated a reference.

WAC 296-54-51120 Eye and face protection.

- Updated references.

WAC 296-54-51160 Leg protection.

- Updated a reference.

WAC 296-54-59340 Log unloading, booms, and rafting grounds—Dry land sorting and storage.

- Updated a reference.

Chapter 296-56 WAC, Safety standards for longshore, stevedore and related waterfront operations.**WAC 296-56-60001 Scope and applicability.**

- Updated references.

WAC 296-56-60003 Variance and procedure.

- Updated references.

WAC 296-56-60009 Accident prevention program.

- Updated a reference.

Chapter 296-59 WAC,**Safety standards for ski area facilities and operations.****WAC 296-59-001 Foreword.**

- Updated a reference.

WAC 296-59-005 Incorporation of other standards.

- Updated a reference.

WAC 296-59-010 Safe place standards.

- Updated a reference.

WAC 296-59-020 Management's responsibility.

- Updated a reference.

WAC 296-59-025 Employee's responsibility.

- Updated a reference.

WAC 296-59-030 Safety bulletin board.

- Updated a reference.

WAC 296-59-035 First-aid.

- Updated a reference.

WAC 296-59-050 Personal protective equipment, general requirements.

- Updated a reference.

WAC 296-59-065 Fire protection and ignition sources.

- Updated a reference.

WAC 296-59-070 Illumination.

- Updated references.

WAC 296-59-085 Scaffolds, construction, use, and maintenance.

- Updated references.

Chapter 296-62 WAC,**General occupational health standards.****WAC 296-62-010 Purpose and scope.**

- Modified this section to include a reference to the safety and health core rules.

WAC 296-62-050 Application for waiver or variances.

- Updated references.

WAC 296-62-05207 Preservation of records.

- Deleted a reference.

WAC 296-62-05211 Trade secrets.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- This section has been repealed.

Chapter 296-62 WAC, Part B-1, Trade Secrets.

- Created this part and moved the trade secret requirements from WAC 296-62-05211 and 296-62-05417 to this part.
- Rewrite for clarity.

WAC 296-62-05301 Definitions.

- Created this section and moved definitions relating to trade secrets to this section for better organization of information.

WAC 296-62-05305 Meet certain conditions if you withhold trade secret information.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- Rewrite for clarity.

WAC 296-62-05310 Reveal trade secret information when it is needed in order to treat a medical or first-aid emergency.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- Rewrite for clarity.

WAC 296-62-05315 Reveal trade secret information in nonemergency situations when requested by a health professional, employee, or designated representative.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- Rewrite for clarity.

WAC 296-62-05320 Deny a written request for disclosure of a specific chemical identity in the manner specified in this rule.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- Rewrite for clarity.

WAC 296-62-05325 Understand what is a trade secret.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- Rewrite for clarity.

WAC 296-62-054 Hazard communication purpose.

- Moved requirements relating to the chemical hazard communication program to WAC 296-800-170.
- Changed the title of this section to "Manufacturers, importers and distributors—Hazard communication."
- Rewrite for clarity.

WAC 296-62-05402 Determine whether the chemicals you produce in your workplace or import are hazardous.

- Moved requirements relating to chemicals produced in the workplace or imported are hazardous, specific to manufacturers, importers and distributors produce, to this section.
- Rewrite for clarity.

WAC 296-62-05403 Scope and application.

- Moved requirements relating to the employer's chemical hazard communication program to WAC 296-800-170.
- This section has been repealed.

WAC 296-62-05404 Use these criteria in making hazard determinations.

- Moved requirements relating to making hazard determinations, specific to manufacturers, importers and distributors, to this section.
- Rewrite for clarity.

WAC 296-62-05405 Definitions applicable to this part.

- Moved requirements relating to the employer's chemical hazard communication program to WAC 296-800-170.
- This section has been repealed.

WAC 296-62-05406 Determine whether the chemicals you produce or import are health hazards.

- Moved requirements relating to determining whether the chemicals produced or imported are health hazards, specific to manufacturers, importers and distributors, to this section.
- Rewrite for clarity.

WAC 296-62-05407 Hazard determination.

- Moved requirements relating to the employer's chemical hazard communication program to WAC 296-800-170.
- This section has been repealed.

WAC 296-62-05408 Obtain or develop a material safety data sheet for each hazardous chemical you produce or import.

- Moved requirements relating to material safety data sheets, specific to manufacturers, importers and distributors, to this section.
- Rewrite for clarity.

WAC 296-62-05409 Written hazard communication program.

- Moved requirements relating to the employer's chemical hazard communication program to WAC 296-800-170.
- This section has been repealed.

WAC 296-62-05410 Label clearly each container of hazardous chemicals that leaves your workplace.

- Moved requirements relating to labeling, specific to manufacturers, importers and distributors, to this section.
- Rewrite for clarity.

WAC 296-62-05411 Labels and other forms of warning.

- Moved requirements relating to the employer's chemical hazard communication program to WAC 296-800-170.
- This section has been repealed.

WAC 296-62-05412 Provide material safety data sheets.

- Moved requirements relating to material safety data sheets, specific to manufacturers, importers and distributors, to this section.
- Rewrite for clarity.

WAC 296-62-05413 Material safety data sheets.

- Moved requirements relating to material safety data sheets (MSDSs) to WAC 296-800-170 and 296-800-180.
- This section has been repealed.

WAC 296-62-05415 Employee training and information.

- Moved requirements relating to material safety data sheets (MSDSs) to WAC 296-800-170 and 296-800-180.
- This section has been repealed.

WAC 296-62-05417 Trade secrets.

- Moved trade secret requirements to WAC 296-62-05305 - 296-62-05325 for better organization of information.
- This section has been repealed.

WAC 296-62-05419 Effective dates.

- This section has been repealed.

WAC 296-62-05421 Appendix A—Health hazard definitions (mandatory).

- Incorporated this appendix in WAC 296-800-170 and 296-62-054 - 296-62-05412.
- This section has been repealed.

WAC 296-62-05423 Appendix B—Hazard determination (mandatory).

- Incorporated this appendix in WAC 296-800-170 and 296-62-054 - 296-62-05412.
- This section has been repealed.

WAC 296-62-05425 Appendix C—Information sources (advisory).

- This section has been repealed.

WAC 296-62-05427 Appendix D—Definition of "trade secret" (mandatory).

- Moved this section to WAC 296-62-05325.
- This section has been repealed.

WAC 296-62-05429 Appendix E—Guidelines for employer compliance (advisory).

- This section has been repealed.

WAC 296-62-07101 To whom does chapter 296-62 WAC, Part E apply?

- Updated references.

WAC 296-62-07306 Requirements for areas containing carcinogens listed in WAC 296-62-07302.

- Updated references.

WAC 296-62-07308 General regulated area requirements.

- Updated references.

WAC 296-62-07336 Acrylonitrile.

- Updated references.

WAC 296-62-07338 Appendix B—Substance technical guidelines for acrylonitrile.

- Updated references.

WAC 296-62-07342 1,2-Dibromo-3-chloropropane.

- Updated references.

WAC 296-62-07347 Inorganic arsenic.

- Updated references.

WAC 296-62-07367 Respiratory protection and personal protective equipment.

- Updated references.

WAC 296-62-07373 Communication of EtO hazards to employees.

- Updated references.

WAC 296-62-07385 Appendix B—Substance technical guidelines for ethylene oxide (nonmandatory).

- Updated references.

WAC 296-62-07417 Protective work clothing and equipment.

- Updated references.

WAC 296-62-07419 Hygiene areas and practices.

- Updated references.

WAC 296-62-07425 Communication of cadmium hazards to employees.

- Updated references.

WAC 296-62-07460 Butadiene.

- Updated references.

WAC 296-62-07470 Methylene chloride.

- Updated references.

WAC 296-62-07473 Appendix A—Substance safety data sheet and technical guidelines for methylene chloride.

- Updated references.

WAC 296-62-07519 Thiram.

- Updated references.

WAC 296-62-07521 Lead.

- Updated references.

WAC 296-62-07523 Benzene.

- Updated references.

WAC 296-62-07540 Formaldehyde.

- Updated references.

WAC 296-62-07601 Scope and application.

- Updated references.

WAC 296-62-07617 Protective work clothing and equipment.

- Updated references.

WAC 296-62-07621 Communications of hazards to employees.

- Updated references.

WAC 296-62-07631 Recordkeeping.

- Updated references.

WAC 296-62-07717 Protective work clothing and equipment.

- Updated references.

WAC 296-62-07721 Communication of hazards to employees.

- Updated references.

WAC 296-62-09003 Lighting and illumination.

- Requirements relating to lighting and illumination have been moved to WAC 296-800-210.
- This section has been repealed.

WAC 296-62-11021 Open surface tanks.

- Updated references.

WAC 296-62-12000 Environmental tobacco smoke in office work environments—Scope and application.

- The scope and application relating to environmental tobacco smoke has been moved to WAC 296-800-240.
- This section has been repealed.

WAC 296-62-12003 Definitions.

- Definitions relating to environmental tobacco smoke have been moved to WAC 296-800-240.
- This section has been repealed.

WAC 296-62-12005 Controls for environmental tobacco smoke.

- Requirements relating to controls for environmental tobacco smoke have been moved to WAC 296-800-240.
- This section has been repealed.

WAC 296-62-12009 Appendix—Smoking cessation program information—Nonmandatory.

- This appendix has been moved to WAC 296-800-240.
- This section has been repealed.

WAC 296-62-20013 Protective clothing and equipment.

- Updated references.

WAC 296-62-20015 Hygiene facilities and practices.

- Updated references.

WAC 296-62-30001 Scope and application.

- Updated references.

WAC 296-62-30230 Risk identification.

- Updated references.

WAC 296-62-30235 Employee notification.

- Updated references.

WAC 296-62-30425 Training course content for 40 and 80 hour hazardous waste clean-up courses.

- Updated references.

WAC 296-62-30435 16-hour supplemental training for hazardous waste sites.

- Updated references.

WAC 296-62-30605 Personal protective equipment selection.

- Updated references.

WAC 296-62-3090 Handling drums and containers.

- Updated references.

WAC 296-62-31410 Hazard communication program requirements under RCRA.

- Updated references.

WAC 296-62-3195 Appendix E—Training curriculum guidelines.

- Updated references.

WAC 296-62-40003 Definitions applicable to all sections of this chapter.

- Updated references.

WAC 296-62-40015 Hazard identification.

- Updated references.

WAC 296-62-41031 Personal protective equipment selection.

- Updated references.

WAC 296-62-41086 Appendix E—Training curriculum guidelines.

- Updated references.

**Chapter 296-63 WAC,
Right to know fee assessment.**

WAC 296-63-009 Exemption requests.

- Updated references.

**Chapter 296-67 WAC,
Safety standards for management
of highly hazardous chemicals.**

WAC 296-67-005 Definitions.

- Updated references.

WAC 296-67-053 Emergency planning and response.

- Updated references.

WAC 296-67-061 Trade secrets.

- Updated references.

WAC 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory).

- Updated references.

**Chapter 296-78 WAC,
Safety standards for sawmills
and woodworking operations.**

WAC 296-78-500 Foreword.

- Updated a reference.

WAC 296-78-515 Management's responsibility.

- Updated a reference.

WAC 296-78-540 First-aid training and certification.

- Updated references.

WAC 296-78-545 First-aid supplies.

- Updated a reference.

WAC 296-78-56501 Log dumps and ponds.

- Updated a reference.

WAC 296-78-670 Glue machines.

- Updated a reference.

WAC 296-78-71001 General.

- Updated references.

WAC 296-78-71003 Floor and wall openings.

- Updated a reference.

WAC 296-78-71009 Stairways and ladders.

- Updated references.

WAC 296-78-71011 Egress and exit.

- Updated references.

WAC 296-78-71015 Tanks and chemicals.

- Updated a reference.

WAC 296-78-71017 Dry kilns.

- Updated references.

WAC 296-78-71019 Exhaust systems.

- Updated references.

WAC 296-78-71023 Lighting.

- Updated a reference.

WAC 296-78-730 Electrical service and equipment.

- Updated a reference.

WAC 296-78-735 Elevators, moving walks.

- Updated a reference.

WAC 296-78-795 Crane cages.

- Updated a reference.

WAC 296-78-84005 Dry kilns.

- Updated a reference.

**Chapter 296-79 WAC, Safety standards for pulp, paper
and paperboard mills and converters.**

WAC 296-79-010 Scope and application.

- Updated a reference.

WAC 296-79-020 General requirements.

- Updated a reference.

WAC 296-79-040 Fire protection, ignition sources and means of egress.

- Updated a reference.

WAC 296-79-050 Personal protection clothing and equipment.

- Updated a reference.

WAC 296-79-090 Electrical equipment and distribution.

- Updated a reference.

WAC 296-79-100 Floors, platforms, stairways, ladders, loading docks.

- Updated a reference.

WAC 296-79-120 Scaffolds, construction and maintenance.

- Updated a reference.

WAC 296-79-300 Machine room equipment and procedures.

- Updated a reference.

**Chapter 296-99 WAC,
Safety standards for grain handling facilities.**

WAC 296-99-010 What safety hazards does this chapter require the employer to control?

- Updated a reference.

WAC 296-99-040 What practices must an employer follow for entry into grain storage structures?

- Updated a reference.

**Chapter 296-155 WAC,
Safety requirements for construction work.**

WAC 296-155-005 Purpose and scope.

- Updated references.

WAC 296-155-110 Accident prevention program.

- Updated references.

WAC 296-155-120 First-aid training and certification.

- Updated references.

WAC 296-155-125 First-aid supplies.

- Updated references.

WAC 296-155-130 First-aid station.

- Updated references.

WAC 296-155-140 Sanitation.

- Updated references.

WAC 296-155-17321 Hygiene facilities and practices.

- Updated references.

WAC 296-155-17323 Communication of hazards to employees.

- Updated references.

WAC 296-155-174 Cadmium.

- Updated references.

WAC 296-155-17609 Exposure assessment.

- Updated references.

WAC 296-155-17615 Protective work clothing and equipment.

- Updated references.

WAC 296-155-17625 Employee information and training.

- Updated references.

WAC 296-155-180 Hazard communication.

- Updated references.

WAC 296-155-200 General requirements.

- Updated references.

WAC 296-155-20301 Definitions.

- Updated references.

WAC 296-155-260 Fire protection.

- Updated references.

WAC 296-155-407 Protective clothing

- Updated a reference.

**Chapter 296-301 WAC,
Safety standards for the textile industry.**

WAC 296-301-010 Textiles—Application requirements.

- Updated references.

WAC 296-301-020 General safety requirements.

- Updated references.

WAC 296-301-215 First aid.

- Updated references.

WAC 296-301-220 Personal protective equipment.

- Updated references.

**Chapter 296-302 WAC,
Safety standards for bakery equipment.**

WAC 296-302-010 Bakery equipment—General requirements.

- Updated references.

WAC 296-302-02501 General requirements for flour-handling.

- Updated references.

WAC 296-302-050 Miscellaneous equipment.

- Updated a reference.

WAC 296-302-060 Biscuit and cracker equipment.

- Updated a reference.

WAC 296-302-06513 Oil-burning equipment.

- Updated a reference.

**Chapter 296-303 WAC,
Safety standards for laundry machine and operations.**

WAC 296-303-01001 General industry safety standards.

- Updated references.

**Chapter 296-304 WAC,
Safety standards for ship repairing,
ship building and ship breaking.**

WAC 296-304-010 Scope and application.

- Updated references.

WAC 296-304-06013 Health and sanitation.

- Updated a reference.

**Chapter 296-305 WAC,
Safety standards for fire fighters.**

WAC 296-305-01003 Scope and application.

- Updated a reference.

WAC 296-305-01005 Definitions.

- Updated references.

WAC 296-305-01009 Appeals.

- Updated references.

WAC 296-305-01509 Management's responsibility.

- Updated a reference.

WAC 296-305-01515 First-aid training and certification.

- Updated a reference.

WAC 296-305-01517 First-aid kits.

- Updated references.

WAC 296-305-04511 Elevated platforms.

- Updated a reference.

WAC 296-305-05503 Summary of training requirements.

- Updated a reference.

WAC 296-305-06005 Ground ladders.

- Updated a reference.

WAC 296-305-06007 Electrical.

- Updated a reference.

WAC 296-305-06503 General requirements.

- Updated a reference.

WAC 296-305-06511 Indoor air quality.

- Updated a reference.

WAC 296-305-06515 Hose drying towers.

- Updated a reference.

**Chapter 296-350 WAC,
WISHA administrative rules.**

WAC 296-350-100 Inspections and citations.

- Moved requirements relating to inspections and citations to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-10010 Selecting workplaces to inspect.

- Moved requirements relating to selecting workplaces to inspect to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-10020 Inspections—Site visit.

- Moved requirements relating to inspections - site visits to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-10030 Complaints by employees or employee representatives.

- Moved requirements relating to complaints by employees or employee representatives to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-10040 Results of a WISHA inspection—Notice of violations.

- Moved requirements relating to results of a WISHA inspection to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-10050 Posting a citation and notice.

- Moved requirements relating to posting a citation and notice to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-150 Civil penalties.

- Moved requirements relating to civil penalties to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15010 Assessing civil penalties—Purpose.

- Moved requirements relating to assessing civil penalties to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15015 Minimum penalty amounts.

- Moved requirements relating to minimum penalty amounts to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15020 Severity and probability determine base penalties.

- Moved requirements relating to severity and probability determine base penalties to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15025 Severity.

- Moved requirements relating to severity to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15030 Probability.

- Moved requirements relating to probability to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15035 Gravity and base penalties.

- Moved requirements relating to gravity and base penalties to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15040 Adjustments to base penalties.

- Moved requirements relating to adjustments to base penalties to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-15045 Increasing penalty amounts.

- Moved requirements relating to increasing penalty amounts to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-350 Extension of abatement date(s)—Application—Authority.

- Moved requirements relating to extension of abatement date(s) to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35010 Application for extension of abatement date(s).

- Moved requirements relating to application for extension of abatement date(s) to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35015 Extension of abatement date(s)—Application—Timeliness.

- Moved requirements relating to extension of abatement date(s), application and timeliness to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35020 Extension of abatement date(s)—Application—Service.

- Moved requirements relating to extension of abatement date(s), application and service to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35025 Extension of abatement date(s)—Application—Contents.

- Moved requirements relating to extension of abatement date(s), application and contents to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35030 Extension of abatement date(s)—Provisional determination.

- Moved requirements relating to extension of abatement date(s), provisional determination to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35035 Extension of abatement date(s)—Notice of application—Notice of opportunity for hearing—Notice of provisional determination.

- Moved requirements relating to extension of abatement date(s), notice of application, notice of opportunity for hearing, notice of provisional determination to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35040 Extension of abatement date(s)—Posting.

- Moved requirements relating to extension of abatement date(s) and posting to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35045 Extension of abatement date(s)—Application for hearing.

- Moved requirements relating to extension of abatement date(s) and application for hearing to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35050 Extension of abatement date(s)—Notice of hearing.

- Moved requirements relating to extension of abatement date(s) and notice of hearing to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35055 Extension of abatement date(s)—Hearings.

- Moved requirements relating to extension of abatement date(s) and hearings to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-35060 Extension of abatement date(s)—Decision and order.

- Moved requirements relating to extension of abatement date(s) and decision and order to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-500 Citation and notice—Copy to employee representative.

- Moved requirements relating to citation and notices and copies to employee representatives to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-600 WISHA appeals.

- Moved requirements relating to WISHA appeals to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60010 Filing an appeal—Who, when and where.

- Moved requirements relating to filing an appeal to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60015 What must be in a WISHA appeal.

- Moved requirements relating to content of an appeal to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60020 Why we reassume jurisdiction.

- Moved requirements relating to reassuming jurisdiction to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60030 Reviewing appeals and extending review time.

- Moved requirements relating to reviewing appeals and extending review time to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60035 Informal WISHA conferences.

- Moved requirements relating to informal conferences to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60040 Issuing and appealing corrective notices.

- Moved requirements relating to issuing and appealing corrective notices to WAC 296-800-350.
- This section has been repealed.

WAC 296-350-60045 Notifying employees.

- Moved requirements relating to notifying employees to WAC 296-800-350.
- This section has been repealed.

**Chapter 296-800 WAC,
Safety and health core rules.****WAC 296-800-100 Introduction.**

- Added language regarding what the safety and health core rules represents and whom it affects.

WAC 296-800-110 Employer responsibilities: Safe workplace.

- Moved requirements relating to employer responsibilities and safe workplaces to WAC 296-800-110 through 296-800-11035.
 - WAC 296-800-1105, provide a workplace free from recognized hazards.
 - WAC 296-800-11010, provide and use means to make your workplace safe.
 - WAC 296-800-11015, prohibit employees from entering, or being in, any workplace that is not safe.
 - WAC 296-800-11020, construct your workplace so it is safe.
 - WAC 296-800-11025, prohibit alcohol and narcotics from your workplace.
 - WAC 296-800-11030, prohibit employees from using equipment or materials that do not meet the applicable WISHA requirements.
 - WAC 296-800-11035, establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

WAC 296-800-120 Employee responsibilities.

- Moved requirements relating to employee responsibilities to this section.
 - WAC 296-800-12005 Employee responsibilities.

WAC 296-800-130 Safety committees and safety meetings.

- Moved requirements relating to safety committees and safety meetings to WAC 296-800-130 through 296-800-13015.
- Added a table for clarity.
 - WAC 296-800-13005, establish a safety committee or have safety meetings.
 - WAC 296-800-13010, make sure each meeting includes a discussion of safety topics.
 - WAC 296-800-13015, make sure that safety committee meeting minutes are recorded and preserved.

WAC 296-800-140 Accident prevention program.

- Moved requirements relating to accident prevention programs to WAC 296-800-140 through 296-800-14025.
 - WAC 296-800-14005, develop a formal, written accident prevention program.
 - WAC 296-800-14020, develop, supervise, implement, and enforce safety and health training programs that are effective in practice.
 - WAC 296-800-14025, make sure your accident prevention program is effective in practice.

WAC 296-800-150 First-aid.

- Moved requirements relating to first-aid to WAC 296-800-150 through 296-800-15025.
 - WAC 296-800-15005, make sure that first-aid trained personnel are available to provide quick and effective first aid.
 - WAC 296-800-15010, make sure first-aid training contains required subjects.
 - WAC 296-800-15015, document your first-aid training.

- WAC 296-800-15020, make sure appropriate first-aid supplies are readily available.
- WAC 296-800-15025, provide a first-aid station when required.

WAC 296-800-160 Personal protective equipment (PPE).

- Moved requirements relating to personal protective equipment to WAC 296-800-160 through 296-800-16070.
 - WAC 296-800-16005, do a hazard assessment for PPE.
 - WAC 296-800-16010, document your hazard assessment for PPE.
 - WAC 296-800-16015, select appropriate PPE for your employees.
 - WAC 296-800-16020, provide PPE to your employees.
 - WAC 296-800-16025, train your employees to use PPE.
 - WAC 296-800-16030, retrain employees to use PPE, if necessary.
 - WAC 296-800-16035, document PPE training.
 - WAC 296-800-16040, require your employees to use necessary PPE on the job.
 - WAC 296-800-16045, keep PPE in safe and good condition.
 - WAC 296-800-16050, make sure your employees use appropriate face and eye protection.
 - WAC 296-800-16055, make sure your employees use appropriate head protection.
 - WAC 296-800-16060, make sure your employees use appropriate foot protection.
 - WAC 296-800-16065, make sure your employees use appropriate hand protection.
 - WAC 296-800-16070, make sure your employees are protected from drowning.

WAC 296-800-170 Employer chemical hazard communication.

- Moved requirements relating to chemical hazard communication to WAC 296-800-170 through 296-800-17055.
 - WAC 296-800-17005, develop, implement, maintain, and make available a written chemical hazard communication program.
 - WAC 296-800-17010, identify and list all the hazardous chemicals present in your workplace.
 - WAC 296-800-17015, obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.
 - WAC 296-800-17020, make sure material safety data sheets are readily accessible to your employees.
 - WAC 296-800-17025, label containers holding hazardous chemicals.
 - WAC 296-800-17030, inform and train your employees about hazardous chemicals in your workplace.
 - WAC 296-800-17035, follow these rules for laboratories using hazardous chemicals.
 - WAC 296-800-17040, follow these rules for handling chemicals in factory-sealed containers.

PERMANENT

- WAC 296-800-17045, translate certain chemical hazard communication documents upon request.
- WAC 296-800-17050, attempt to obtain a material safety data sheet (MSDS) upon request.
- WAC 296-800-17055, items or chemicals exempt from this rule, and exemptions from labeling.

WAC 296-800-180 Material safety data sheets (MSDSs) as exposure records.

- Moved requirements relating to material safety data sheets to WAC 296-800-180 through 296-800-18020.
 - WAC 296-800-18005, preserve exposure records for at least thirty years.
 - WAC 296-800-18010, inform current employees of exposure records.
 - WAC 296-800-18015, provide access to exposure records.
 - WAC 296-800-18020, transfer records when ceasing to do business.

WAC 296-800-190 Safety bulletin board.

- Moved requirements relating to safety bulletin boards to WAC 296-800-190 through 296-800-19005.
 - WAC 296-800-19005, provide a safety bulletin board in your workplace.

WAC 296-800-200 WISHA poster.

- Moved requirements relating to the WISHA poster to WAC 296-800-200 through 296-800-20005.
 - WAC 296-800-20005, post and keep a WISHA poster in your workplace.

WAC 296-800-210 Lighting.

- Moved requirements relating to lighting to WAC 296-800-210 through 296-800-21005.
 - WAC 296-800-21005, provide and maintain adequate lighting.

WAC 296-800-220 Housekeeping, drainage, and storage.

- Moved requirements relating to housekeeping, drainage, and storage to WAC 296-800-220 through 296-800-22040.
 - WAC 296-800-22005, keep your workplace clean.
 - WAC 296-800-22010, sweep and clean your workplace to minimize dust.
 - WAC 296-800-22015, keep your workplace free of obstacles that interfere with cleaning.
 - WAC 296-800-22020, control pests in your workplace.
 - WAC 296-800-22022, make sure floors are maintained in a safe condition.
 - WAC 296-800-22025, keep your workroom floors dry, when practical.
 - WAC 296-800-22030, provide proper drainage.
 - WAC 296-800-22035, store things safely.
 - WAC 296-800-22040, control vegetation in your storage areas.

WAC 296-800-230 Drinking water, bathrooms, washing facilities, and waste disposal.

- Moved requirements relating to drinking water, washing facilities, and waste disposal to WAC 296-800-230 through 296-800-23035.
 - WAC 296-800-23005, provide safe drinking (potable) water in your workplace.
 - WAC 296-800-23010, clearly mark the water outlets that are not fit for drinking (nonpotable).
 - WAC 296-800-23015, make sure that systems delivering not-fit-for-drinking (nonpotable) water prevent backflow into drinking water systems.
 - WAC 296-800-23020, provide bathrooms for your employees.
 - WAC 296-800-23025, provide convenient, clean washing facilities.
 - WAC 296-800-23030, keep containers used for garbage or waste in a sanitary condition.
 - WAC 296-800-23035, remove garbage and waste in a way that does not create a health hazard.

WAC 296-800-240 Environmental tobacco smoke in the office.

- Moved requirements relating to environmental tobacco smoke to WAC 296-800-240 through 296-800-24010.
 - WAC 296-800-24005, control tobacco smoke in your building.
 - WAC 296-800-24010, control tobacco smoke that comes in from the outside.

WAC 296-800-250 Stairs and stair railings.

- Moved requirements relating to stairs and stair railings to WAC 296-800-250 through 296-800-25015.
 - WAC 296-800-25005, provide fixed stairs where required.
 - WAC 296-800-25010, provide stairs that minimize hazards.
 - WAC 296-800-25015, provide handrails and stair railings.

WAC 296-800-260 Floor openings, floor holes and open-sided floors.

- Moved requirements relating to floor openings, floor holes and open-side floors to WAC 296-800-260 through 296-800-26010.
 - WAC 296-800-26005, guard or cover floor openings and floor holes.
 - WAC 296-800-26010, protect open-sided floors and platforms.

WAC 296-800-270 Workplace structural integrity.

- Moved requirements relating to workplace structural integrity to WAC 296-800-270 through 296-800-27020.
 - WAC 296-800-27005, do not overload floors or roofs.
 - WAC 296-800-27010, make sure that floors are safe.
 - WAC 296-800-27015, make sure floors can support equipment that moves or has motion.
 - WAC 296-800-27020, post approved load limits (weight limits) for floors.

WAC 296-800-280 Electrical.

- Moved requirements relating to electrical to WAC 296-800-280 through 296-800-28045.
 - WAC 296-800-28005, inspect all electrical equipment your employees use to make sure the equipment is safe.
 - WAC 296-800-28010, make sure all electrical equipment is used for its approved or listed purpose.
 - WAC 296-800-28015, make sure electrical equipment used or located in wet or damp locations is designed for such use.
 - WAC 296-800-28020, make sure electrical equipment that is not marked is not used.
 - WAC 296-800-28022, identify disconnecting means.
 - WAC 296-800-28025, maintain electrical fittings, boxes, cabinets and outlets in good condition.
 - WAC 296-800-28030, maintain all flexible cords and cables in good condition and use safely.
 - WAC 296-800-28035, guard electrical equipment to prevent your employees from electrical hazards.
 - WAC 296-800-28040, make sure electrical equipment is effectively grounded.
 - WAC 296-800-28045, make sure electrical equipment has overcurrent protection.

WAC 296-800-290 Portable ladders: Metal and wooden.

- Moved requirements relating to metal and wooden portable ladders to WAC 296-800-290 through 296-800-29045.
 - WAC 296-800-29005, inspect your portable metal ladders periodically.
 - WAC 296-800-29010, make sure your portable metal ladders are kept in good condition.
 - WAC 296-800-29015, use your portable metal ladders safely.
 - WAC 296-800-29020, inspect your portable wooden ladders frequently.
 - WAC 296-800-29025, make sure your portable wooden ladders are kept in good condition.
 - WAC 296-800-29030, use your portable wooden ladders safely and for their intended purpose.
 - WAC 296-800-29035, safely use a portable wooden ladder when working more than twenty-five feet above the ground.
 - WAC 296-800-29040, use stepladders safely.

WAC 296-800-300 Portable fire extinguishers.

- Moved requirements relating to portable fire extinguishers to WAC 296-800-300 through 296-800-30025.
 - WAC 296-800-30005, provide portable fire extinguishers in your workplace.
 - WAC 296-800-30010, select and distribute portable fire extinguishers in your workplace.
 - WAC 296-800-30015, make sure that portable fire extinguishers are kept fully charged, in good operating condition, and left in their designated places.
 - WAC 296-800-30020, inspect and test all portable fire extinguishers.

- WAC 296-800-30025, train your employees to use portable fire extinguishers.

WAC 296-800-310 Exit routes and employee alarm systems.

- Moved requirements relating to exit routes and employee alarm systems to WAC 296-800-310 through 296-800-31080.
 - WAC 296-800-31005, provide an adequate number of exit routes.
 - WAC 296-800-31010, make sure that exit routes are large enough.
 - WAC 296-800-31015, make sure that exit routes meet their specific design and construction requirements.
 - WAC 296-800-31020, make sure that each exit route leads outside.
 - WAC 296-800-31025, provide unobstructed access to exit routes.
 - WAC 296-800-31030, exit doors must be readily opened from the inside.
 - WAC 296-800-31035, use side-hinged doors to connect rooms to exit routes.
 - WAC 296-800-31040, provide outdoor exit routes that meet requirements.
 - WAC 296-800-31045, minimize danger to employees while they are using emergency exit routes.
 - WAC 296-800-31050, mark exits adequately.
 - WAC 296-800-31053, provide adequate lighting for exit routes and signs.
 - WAC 296-800-31055, maintain the fire retardant properties of paints or other coatings.
 - WAC 296-800-31060, maintain emergency safeguards.
 - WAC 296-800-31065, maintain exit routes during construction and repair.
 - WAC 296-800-31067, provide doors in freezer or refrigerated rooms that open from the inside.
 - WAC 296-800-31070, install and maintain an appropriate employee alarm system.
 - WAC 296-800-31075, establish procedures for sounding emergency alarms.
 - WAC 296-800-31080, test the employee alarm system.

WAC 296-800-320 Accident reporting and investigating.

- Moved requirements relating to accident reporting and investigating to WAC 296-800-320 through 296-800-32025.
 - WAC 296-800-32005, report the death, probable death of any employee, or inpatient hospitalization of two or more employees within eight hours.
 - WAC 296-800-32010, make sure that any equipment involved in an accident is not moved.
 - WAC 296-800-32015, assign people to assist the department of labor and industries.
 - WAC 296-800-32020, conduct a preliminary investigation for all serious injuries.
 - WAC 296-800-32025, document investigation findings.

WAC 296-800-330 Releasing accident investigation reports.

- Moved requirements relating to releasing accident investigation reports to this section.

WAC 296-800-340 Protecting the identity of the source of confidential information.

- Moved requirements relating to protecting the identity of the source of confidential information to this section.

WAC 296-800-350 WISHA appeals, penalties, and other procedural rules.

- Moved requirements relating to WISHA appeals, penalties, and other procedural rules to WAC 296-800-350 through 296-800-35084.
 - WAC 296-800-35002, types of workplace inspections.
 - WAC 296-800-35004, scheduling inspections.
 - WAC 296-800-35006, inspection techniques.
 - WAC 296-800-35008, response to complaints submitted by employees or their representatives.
 - WAC 296-800-35010, citations mailed after an inspection.
 - WAC 296-800-35012, employees (or their representatives) can request a citation and notice.
 - WAC 296-800-35016, posting a citation and notice and employee complaint information.
 - WAC 296-800-35018, reasons to assess civil penalties.
 - WAC 296-800-35020, minimum penalties.
 - WAC 296-800-35022, base penalty calculations - severity and probability.
 - WAC 296-800-35024, severity rate determination.
 - WAC 296-800-35026, probability rate determination.
 - WAC 296-800-35028, determining the gravity of a violation.
 - WAC 296-800-35030, base penalty adjustments.
 - WAC 296-800-35032, types of base penalty adjustments.
 - WAC 296-800-35038, maximum base penalty amount.
 - WAC 296-800-35040, reasons for increasing civil penalty amounts.
 - WAC 296-800-35042, employers must certify that violations have been abated.
 - WAC 296-800-35044, for willful, repeated, or serious violations, submit additional documentation.
 - WAC 296-800-35046, submitting correction action plans.
 - WAC 296-800-35048, submit progress reports to the department, when required.
 - WAC 296-800-35049, WISHA determines the date by which abatement documents must be submitted.
 - WAC 296-800-35050, inform affected employees and their representatives of abatement actions you have taken.
 - WAC 296-800-35052, tag cited moveable equipment to warn employees of a hazard.
 - WAC 296-800-35056, you can request more time to comply.

- WAC 296-800-35062, WISHA's response to your request for more time.
- WAC 296-800-35063, post the department's response.
- WAC 296-800-35064, a hearing can be requested about the department's response.
- WAC 296-800-35065, post the department's hearing notice.
- WAC 296-800-35066, hearing procedures.
- WAC 296-800-35072, post the hearing decision.
- WAC 296-800-35076, employers and employees can request an appeal of a citation and notice.
- WAC 296-800-35078, await the department's response to your appeal request.
- WAC 296-800-35080, department actions when reassuming jurisdiction over an appeal.
- WAC 296-800-35082, appealing a corrective notice.
- WAC 296-800-35084, notify employees.

WAC 296-800-360 Using standards from national organizations and federal agencies.

- Moved requirements relating to using standards from national organizations and federal agencies to WAC 296-800-360 through 296-800-36005.
 - WAC 296-800-36005, comply with standards of national organizations or of federal agencies when referenced in WISHA rules.

WAC 296-800-370 Definitions.

- Moved definitions to this section.

Citation of Existing Rules Affected by this Order:

AMENDED PARTS: Chapter 296-24 WAC, Part A-1, General, educational, medical and first-aid requirements, chapter 296-24 WAC, Part A-2, Personal protective equipment, chapter 296-24 WAC, Part G-1, Means of egress.

AMENDED SECTIONS: WAC 296-24-005 Purpose and scope, 296-24-10203 General requirements, 296-24-12001 Scope, 296-24-14007 Sign design and colors, 296-24-23503 General requirements, 296-24-23507 Footwalks and ladders, 296-24-23513 Electric equipment, 296-24-40513 Extinguishment, 296-24-567 Employee emergency plans and fire prevention, 296-24-58513 Protective clothing, 296-24-58517 Appendix A—Fire brigades, 296-24-59201 Scope and application, 296-24-59215 Appendix A—Portable fire extinguishers, 296-24-61705 Total flooding systems with potential health and safety hazards to employees, 296-24-62203 Specific requirements, 296-24-65501 Portable powered tools, 296-24-67515 Personal protective equipment, 296-24-68503 Application of arc welding equipment, 296-24-68505 Installation of arc welding equipment, 296-24-69001 General, 296-24-70003 Eye protection, 296-24-70005 Protective clothing, 296-24-95607 Wiring design and protection, 296-24-980 Safeguards for personnel protection, 296-32-200 Scope and application, 296-32-220 General, 296-32-230 Training, 296-32-250 Tools and personal protective equipment—General, 296-32-260 Rubber insulating equipment, 296-37-510 Scope and application, 296-37-575 Recordkeeping requirements, 296-45-015 Scope and application, 296-45-035 Definitions, 296-45-055 Employer's responsibility, 296-45-075 Employer's safety program, 296-45-125 Medical services and

first aid, 296-45-25505 Personal protective equipment, 296-45-275 Ladders, platforms, and manhole steps, 296-45-285 Hand, and portable powered tools, 296-45-45510 Sprayers and related equipment, 296-45-48535 Chemical cleaning of boilers and pressure vessels, 296-52-465 Storage of ammonium nitrate, 296-52-489 Transportation, 296-52-497 Blasting agents, 296-52-501 Water gel (slurry) explosives and blasting agents, 296-54-501 Scope and application, 296-54-507 Employer's responsibilities, 296-54-51120 Eye and face protection, 296-54-51160 Leg protection, 296-54-59340 Log unloading, booms, and rafting grounds—Dry land sorting and storage, 296-56-60001 Scope and applicability, 296-56-60003 Variance and procedure, 296-56-60009 Accident prevention program, 296-59-001 Foreword, 296-59-005 Incorporation of other standards, 296-59-010 Safe place standards, 296-59-020 Management's responsibility, 296-59-025 Employee's responsibility, 296-59-030 Safety bulletin board, 296-59-035 First-aid, 296-59-050 Personal protective equipment, general requirements, 296-59-065 Fire protection and ignition sources, 296-59-070 Illumination, 296-59-085 Scaffolds, construction, use, and maintenance, 296-62-010 Purpose and scope, 296-62-050 Application for waiver or variances, 296-62-05207 Preservation of records, 296-62-054 Hazard communication purpose, 296-62-07101 To whom does chapter 296-62 WAC, Part E apply?, 296-62-07306 Requirements for areas containing carcinogens listed in WAC 296-62-07302, 296-62-07308 General regulated area requirements, 296-62-07336 Acrylonitrile, 296-62-07338 Appendix B—Substance technical guidelines for acrylonitrile, 296-62-07342 1,2-Dibromo-3-chloropropane, 296-62-07347 Inorganic arsenic, 296-62-07367 Respiratory protection and personal protective equipment, 296-62-07373 Communication of EtO hazards to employees, 296-62-07385 Appendix B—Substance technical guidelines for ethylene oxide (nonmandatory), 296-62-07417 Protective work clothing and equipment, 296-62-07419 Hygiene areas and practices, 296-62-07425 Communication of cadmium hazards to employees, 296-62-07460 Butadiene, 296-62-07470 Methylene chloride, 296-62-07473 Appendix A—Substance safety data sheet and technical guidelines for methylene chloride, 296-62-07519 Thiram, 296-62-07521 Lead, 296-62-07523 Benzene, 296-62-07540 Formaldehyde, 296-62-07601 Scope and application, 296-62-07617 Protective work clothing and equipment, 296-62-07621 Communications of hazards to employees, 296-62-07631 Recordkeeping, 296-62-07717 Protective work clothing and equipment, 296-62-07721 Communication of hazards to employees, 296-62-11021 Open surface tanks, 296-62-20013 Protective clothing and equipment, 296-62-20015 Hygiene facilities and practices, 296-62-30001 Scope and application, 296-62-30230 Risk identification, 296-62-30235 Employee notification, 296-62-30425 Training course content for 40 and 80 hour hazardous waste clean-up courses, 296-62-30435 16-hour supplemental training for hazardous waste sites, 296-62-30605 Personal protective equipment selection, 296-62-3090 Handling drums and containers, 296-62-31410 Hazard communication program requirements under RCRA, 296-62-3195 Appendix E—Training curriculum guidelines, 296-62-40003 Definitions applicable to all sections of this chapter, 296-62-40015 Hazard identification, 296-62-41031 Personal protective

equipment selection, 296-62-41086 Appendix E—Training curriculum guidelines, 296-63-009 Exemption requests, 296-67-005 Definitions, 296-67-053 Emergency planning and response, 296-67-061 Trade secrets, 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory), 296-78-500 Foreword, 296-78-515 Management's responsibility, 296-78-540 First-aid training and certification, 296-78-545 First-aid supplies, 296-78-56501 Log dumps and ponds, 296-78-670 Glue machines, 296-78-71001 General, 296-78-71003 Floor and wall openings, 296-78-71009 Stairways and ladders, 296-78-71011 Egress and exit, 296-78-71015 Tanks and chemicals, 296-78-71017 Dry kilns, 296-78-71019 Exhaust systems, 296-78-71023 Lighting, 296-78-730 Electrical service and equipment, 296-78-735 Elevators, moving walks, 296-78-795 Crane cages, 296-78-84005 Dry kilns, 296-79-010 Scope and application, 296-79-020 General requirements, 296-79-040 Fire protection, ignition sources and means of egress, 296-79-050 Personal protection clothing and equipment, 296-79-090 Electrical equipment and distribution, 296-79-100 Floors, platforms, stairways, ladders, loading docks, 296-79-120 Scaffolds, construction and maintenance, 296-79-300 Machine room equipment and procedures, 296-99-010 What safety hazards does this chapter require the employer to control?, 296-99-040 What practices must an employer follow for entry into grain storage structures?, 296-155-005 Purpose and scope, 296-155-110 Accident prevention program, 296-155-120 First-aid training and certification, 296-155-125 First-aid supplies, 296-155-130 First-aid station, 296-155-140 Sanitation, 296-155-17321 Hygiene facilities and practices, 296-155-17323 Communication of hazards to employees, 296-155-174 Cadmium, 296-155-17609 Exposure assessment, 296-155-17615 Protective work clothing and equipment, 296-155-17625 Employee information and training, 296-155-180 Hazard communication, 296-155-200 General requirements, 296-155-20301 Definitions, 296-155-260 Fire protection, 296-155-407 Protective clothing, 296-301-010 Textiles—Application requirements, 296-301-020 General safety requirements, 296-301-215 First aid, 296-301-220 Personal protective equipment, 296-302-010 Bakery equipment—General requirements, 296-302-02501 General requirements for flour-handling, 296-302-050 Miscellaneous equipment, 296-302-060 Biscuit and cracker equipment, 296-302-06513 Oil-burning equipment, 296-303-01001 General industry safety standards, 296-304-010 Scope and application, 296-304-06013 Health and sanitation, 296-305-01003 Scope and application, 296-305-01005 Definitions, 296-305-01009 Appeals, 296-305-01509 Management's responsibility, 296-305-01515 First-aid training and certification, 296-305-01517 First-aid kits, 296-305-04511 Elevated platforms, 296-305-05503 Summary of training requirements, 296-305-06005 Ground ladders, 296-305-06007 Electrical, 296-305-06503 General requirements, 296-305-06511 Indoor air quality, and 296-305-06515 Hose drying towers.

REPEALED SECTIONS: WAC 296-24-001 Foreword, 296-24-006 Equipment approval by nonstate agency or organization, 296-24-007 Incorporation of standards of national organization, 296-24-008 Incorporation of standards of fed-

eral agency, 296-24-010 Variance and procedure, 296-24-015 Education and first-aid standards, 296-24-020 Management's responsibility, 296-24-025 Employee's responsibility, 296-24-040 Accident prevention programs, 296-24-045 Safety and health committee plan, 296-24-055 Safety bulletin board, 296-24-061 First-aid requirements, 296-24-06105 What workplaces does this rule apply to?, 296-24-06110 What is the purpose of this rule?, 296-24-06115 What definitions apply to this section?, 296-24-06120 How must an employer ensure that first-aid assistance is available in the workplace?, 296-24-06125 How many employees must be trained in first aid?, 296-24-06130 What must first-aid training cover?, 296-24-06135 How often must employees complete first-aid training?, 296-24-06140 How must an employer document first-aid training?, 296-24-06145 What is the requirement for first-aid supplies?, 296-24-06150 What is the requirement to provide a first-aid station?, 296-24-06155 Appendix 1—Evaluation worksheet for the first-aid response plan, 296-24-06160 Appendix 2—First-aid kit guidance, 296-24-073 Safe place standards, 296-24-075 Personal protective equipment, 296-24-07501 General requirements, 296-24-078 Eye and face protection, 296-24-07801 General, 296-24-084 Occupational head protection, 296-24-086 Personal flotation devices, 296-24-088 Occupational foot protection, 296-24-090 Hand protection, 296-24-092 Electrical protective equipment, 296-24-094 Lighting and illumination, 296-24-096 Appendix A to Part A-2—References for further information (nonmandatory), 296-24-098 Appendix B to Part A-2—Nonmandatory compliance guidelines for hazard assessment and personal protective equipment selection, 296-24-12003 General requirements—Housekeeping, 296-24-12005 Water supply, 296-24-12007 Toilet facilities, 296-24-12009 Washing facilities, 296-24-12019 Waste disposal, 296-24-12021 Vermin control, 296-24-21503 Secure storage, 296-24-21505 Housekeeping, 296-24-21507 Drainage, 296-24-550 Means of egress, 296-24-55003 General requirements, 296-24-55005 Fundamental requirements, 296-24-55007 Protection of employees exposed by construction and repair operations, 296-24-55009 Maintenance, 296-24-565 Means of egress, general, 296-24-56501 Permissible exit components, 296-24-56503 Protective enclosure of exits, 296-24-56505 Width and capacity of means of egress, 296-24-56507 Egress capacity and occupant load, 296-24-56509 Arrangement of exits, 296-24-56511 Access to exits, 296-24-56513 Exterior ways of exit access, 296-24-56515 Discharge from exits, 296-24-56517 Headroom, 296-24-56519 Changes in elevation, 296-24-56521 Maintenance and workmanship, 296-24-56523 Furnishings and decorations, 296-24-56529 Fire retardant paints, 296-24-56531 Exit marking, 296-24-59205 General requirements, 296-24-59207 Selection and distribution, 296-24-59209 Inspection, maintenance and testing, 296-24-59211 Hydrostatic testing, 296-24-59213 Training and education, 296-24-65001 General requirements, 296-24-73503 Housekeeping, 296-24-73509 Floor loading protection, 296-24-73513 Buildings—Floors, 296-24-76505 Where fixed stairs are required, 296-24-76517 Railings and handrails, 296-27-090 Reporting of fatality or multiple hospitalization incidents, 296-27-15501 Division of consultation and compliance, public records, 296-27-15503 Special exemptions for confidential reports within the department's

files, 296-27-15505 Accident investigation reports, 296-27-210 Abatement verification, 296-27-21001 What is the purpose of this rule?, 296-27-21005 When does this rule apply?, 296-27-21010 What definitions apply to this rule?, 296-27-21015 What must an employer do when asked to abate a violation?, 296-27-21020 When must an employer submit additional documentation of abatement?, 296-27-21025 When must an employer provide abatement plans?, 296-27-21030 When must an employer submit progress reports?, 296-27-21035 What must an employer do to keep employees informed about abatement activities?, 296-27-21040 How will the department determine the date that documents are submitted?, 296-27-21045 What are the requirements related to movable equipment?, 296-27-21050 Appendix A (non-mandatory), 296-62-05211 Trade secrets, 296-62-05403 Scope and application, 296-62-05405 Definitions applicable to this part, 296-62-05407 Hazard determination, 296-62-05409 Written hazard communication program, 296-62-05411 Labels and other forms of warning, 296-62-05413 Material safety data sheets, 296-62-05415 Employee training and information, 296-62-05417 Trade secrets, 296-62-05419 Effective dates, 296-62-05421 Appendix A—Health hazard definitions (mandatory), 296-62-05423 Appendix B—Hazard determination (mandatory), 296-62-05425 Appendix C—Information sources (advisory), 296-62-05427 Appendix D—Definition of "trade secret" (mandatory), 296-62-05429 Appendix E—Guidelines for employer compliance (advisory), 296-62-09003 Lighting and illumination, 296-62-12000 Environmental tobacco smoke in office work environments—Scope and application, 296-62-12003 Definitions, 296-62-12005 Controls for environmental tobacco smoke, 296-62-12009 Appendix—Smoking cessation program information—Nonmandatory, 296-350-100 Inspections and citations, 296-350-10010 Selecting workplaces to inspect, 296-350-10020 Inspections—Site visit, 296-350-10030 Complaints by employees or employee representatives, 296-350-10040 Results of a WISHA inspection—Notice of violations, 296-350-10050 Posting a citation and notice, 296-350-150 Civil penalties, 296-350-15010 Assessing civil penalties—Purpose, 296-350-15015 Minimum penalty amounts, 296-350-15020 Severity and probability determine base penalties, 296-350-15025 Severity, 296-350-15030 Probability, 296-350-15035 Gravity and base penalties, 296-350-15040 Adjustments to base penalties, 296-350-15045 Increasing penalty amounts, 296-350-350 Extension of abatement date(s)—Application—Authority, 296-350-35010 Application for extension of abatement date(s), 296-350-35015 Extension of abatement date(s)—Application—Timeliness, 296-350-35020 Extension of abatement date(s)—Application—Service, 296-350-35025 Extension of abatement date(s)—Application—Contents, 296-350-35030 Extension of abatement date(s)—Provisional determination, 296-350-35035 Extension of abatement date(s)—Notice of application—Notice of opportunity for hearing—Notice of provisional determination, 296-350-35040 Extension of abatement date(s)—Posting, 296-350-35045 Extension of abatement date(s)—Application for hearing, 296-350-35050 Extension of abatement date(s)—Notice of hearing, 296-350-35055 Extension of abatement date(s)—Hearings, 296-350-35060 Extension of abatement date(s)—Decision and order, 296-

350-500 Citation and notice—Copy to employee representative, 296-350-600 WISHA appeals, 296-350-60010 Filing an appeal—Who, when and where, 296-350-60015 What must be in a WISHA appeal, 296-350-60020 Why we reassume jurisdiction, 296-350-60030 Reviewing appeals and extending review time, 296-350-60035 Informal WISHA conferences, 296-350-60040 Issuing and appealing corrective notices, and 296-350-60045 Notifying employees.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 00-23-099 on January 3, 2001 [November 21, 2000].

Changes Other than Editing from Proposed to Adopted Version: As a result of written or oral comments received, the following sections are being withdrawn:

WITHDRAWN SECTIONS: The following sections were proposed to be repealed and will not be repealed because some of the requirements in the section were not moved to the new safety and health core rulebook: **WAC 296-24-005 Purpose and scope, 296-24-75003 Protection for floor openings, 296-24-76507 Stair strength, and 296-24-76509 Stair width**, these sections were proposed to be repealed, they will not be adopted because it is not applicable.

The following sections were proposed to be amended and will not be amended because some of the requirements in the section were not moved to the new safety and health core rulebook:

WAC 296-24-12006 Water supply (nonpotable).

- This section was proposed as a new section. It will not be adopted as proposed. The requirements relating to nonpotable water were moved into WAC 296-800-230.

WAC 296-24-20700 Appendix A to WAC 296-24-195.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-20700 (4)(b)(vi)(C), this will not be adopted because it is not applicable.

WAC 296-24-23001 Definitions.

- A reference to the portable fire extinguisher section in WAC 296-800-300 was proposed to be added to WAC 296-24-23001, this will not be adopted because it is not applicable.

WAC 296-24-23007 Designated locations.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-23007(2), this will not be adopted because it is not applicable.

WAC 296-24-23533 Crane and derrick suspended personnel (work) platforms.

- A reference to the floor openings, floor holes and open-sided floors in WAC 296-800-260 was proposed to be added to WAC 296-24-23533 (6)(d), this will not be adopted because it is not applicable.

WAC 296-24-31503 Gaseous hydrogen systems.

- References to the electrical section in WAC 296-800-280 were proposed to be added to WAC 296-24-31503 (3)(b)(v) and (c)(v), these will not be adopted because they are not applicable.

WAC 296-24-31505 Liquefied hydrogen systems.

- References to the electrical section in WAC 296-800-280 were proposed to be added to WAC 296-24-31505 (3)(a)(iv), (b)(iv) and (c)(v), these will not be adopted because they are not applicable.

WAC 296-24-32003 Bulk oxygen systems.

- References to the electrical section in WAC 296-800-280 were proposed to be added to WAC 296-24-32003 (8)(i), these will not be adopted because they are not applicable.

WAC 296-24-33011 Industrial plants.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-33011 (7)(a), this will not be adopted because it is not applicable.

WAC 296-24-33015 Service station.

- References to the electrical section in WAC 296-800-280 were proposed to be added to WAC 296-24-33015 (4)(a) and (b), these will not be adopted because they are not applicable.

WAC 296-24-33017 Processing plants.

- References to the electrical section in WAC 296-800-280 were proposed to be added to WAC 296-24-33017 (7)(c)(i) and (iii), these will not be adopted because they are not applicable.

WAC 296-24-37005 Electrical and other sources of ignition.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-37005(4), this will not be adopted because it is not applicable.

WAC 296-24-37019 Drying, curing, or fusion apparatus.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-37019 (4)(d), this will not be adopted because it is not applicable.

WAC 296-24-37023 Powder coating.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-37023(1), this will not be adopted because it is not applicable.

WAC 296-24-47505 Basic rules.

- References to the electrical section in WAC 296-800-280 were proposed to be added to WAC 296-24-47505 (17)(a) and (18), these will not be adopted because they are not applicable.

WAC 296-24-75001 Terms.

- A reference to the floor openings, floor holes and open-sided floors section in WAC 296-800-260 was proposed to be added to WAC 296-24-75001(7), this will not be adopted because it is not applicable.

WAC 296-24-75005 Protection for wall openings and holes.

- A reference to the floor openings, floor holes and open-sided floors section in WAC 296-800-260 was proposed to be added to WAC 296-24-75005(5), this will not be adopted because it is not applicable.

WAC 296-24-780 Portable wood ladders.

- A reference to the portable ladders: Wooden and metal section in WAC 296-800-290 was proposed to be added to WAC 296-24-780, this will not be adopted because it is not applicable.

WAC 296-24-79501 Terms.

- A reference to the portable ladders: Wooden and metal section in WAC 296-800-290 was proposed to be added to WAC 296-24-79501, this will not be adopted because it is not applicable.

WAC 296-24-81003 Design requirements.

- A reference to the portable ladders: Wooden and metal section in WAC 296-800-290 was proposed to be added to WAC 296-24-81003 (2)(a), this will not be adopted because it is not applicable.

WAC 296-24-95605 General requirements.

- A reference to the electrical section in WAC 296-800-280 was proposed to be added to WAC 296-24-95605 (8)(d), this will not be adopted because it is not applicable.

As a result of written and oral comments received, the following changes are as a result of the public hearings, to clarify language or for better organization:

**Chapter 296-62 WAC,
General occupational health standards.**

WAC 296-62-05301 Definitions.

- Created this section and added the following clarifying language that reads:

"Understand a trade secret. The following is a reprint of the Restatement of Torts section 757, comment b (1939):

Definition of trade secret.

A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business (see § 759 of the Restatement of Torts which is not included in this Appendix) in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operations of the business. Generally it relates to the production of goods, as, for example, a machine or formula for the production of an article. It may, however, relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management."

WAC 296-62-05320 Deny a written request for disclosure of a specific chemical identity in the manner specified in this rule.

- Corrected housekeeping errors.

WAC 296-62-054 Manufacturers, importers and distributors.

- Added a note that reads:

"If you are an employer who relies on a material safety data sheet from the manufacturer, importer, or distributor and you distribute or produce hazardous chemicals, you do not have to comply with this rule."

- Added the following language at the end of WAC 296-62-054 that reads:

"Article means a manufactured item other than a fluid or particle:

(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.

Director means the director of the department of labor and industries or his/her designee.

Chemical means any element, chemical compound or mixture of elements and/or compounds.

Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be

exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazardous chemical means any chemical which is a physical hazard or a health hazard.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States.

This definition is the same as Webster's therefore we did not include it in the definitions.

Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05408.

Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability.

These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind

of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are:

The extent to which the information is known outside of his business;

The extent to which it is known by employees and others involved in his business;

The extent of measures taken by him to guard the secrecy of the information;

The value of the information to him and his competitors;

The amount of effort or money expended by him in developing the information;

The ease or difficulty with which the information could be properly acquired or duplicated by others.

Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05225 provides a legal definition of trade secret and this rule sets out the criteria to be used in evaluating trade secrets.

Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas."

- Added the following language:

PERMANENT

"Director means the director of the department of labor and industries or his/her designee.

Chemical means any element, chemical compound or mixture of elements and/or compounds.

Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.

Commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

Compressed gas means:

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this part, pipes or piping systems are not considered to be containers.

Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Definitions applicable to this rule:

Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops

or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

Flammable means a chemical that falls into one of the following categories:

(a) Aerosol flammable means an aerosol that, when tested by the method described in 16 C.F.R. 1500.45 yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable means:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

(d) Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 C.F.R. 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a vis-

cosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazardous chemical means any chemical which is a physical hazard or a health hazard.

Hazard warning means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See definition for "physical hazard" and "health hazard" to determine the hazards which must be covered.)

Health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees.

The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this part, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States.

This definition is the same as Webster's therefore we did not include it in the definitions.

Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05408.

Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Organic peroxide means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or C.F.R. 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The permissible exposure limits (PELs) shall include the following four categories:

(a) Permissible exposure limits - Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-[hour] work week which shall not be exceeded.

(b) Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) "Skin" notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a "skin" notation in the OSHA and WISHA PEL tables (29 C.F.R. Part 1910 Subpart Z and WAC 296-62-075, respectively).

Physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

Produce means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

Purchaser means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

Pyrophoric means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

Responsible party means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

Threshold limit values (TLVs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV-Time weighted average (TLV-TWA), TLV-Short term exposure limit (TLV-STEL), TLV-Ceiling (TLV-Ceiling) and "skin" notation as stated in the most recent edition of the 'Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices' from the American Conference of Governmental Industrial Hygienists (ACGIH).

Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

Unstable (reactive) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

Water-reactive means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas."

Chapter 296-800 WAC, Safety and health core rules.

WAC 296-800-100 Introduction.

- Added language regarding what the safety and health core rules represents and who it affects.
- Added language in the introduction relating to building, fire, and electrical codes that reads:

"How do the WISHA rules relate to fire, building and electrical codes?"

Fire codes: WISHA rules contain basic requirements for portable fire extinguishers, exit routes, housekeeping, storage, stairs and electrical hazards for the protection of employees in your workplace. The rules contained in this book are the most basic requirements to make sure that as an employer you provide a safe and healthy work environment. However, these are not the only rules regarding the requirements for portable fire extinguishers, exit routes, housekeeping, storage, stairs and electrical. The fire marshall and local fire authorities enforce the Uniform Fire Code (UFC). WISHA and UFC differ in some areas, for example UFC requires exit sign lettering to be 6" or more and WISHA only states that the letters have to be clearly visible. Fire codes have more detailed and extensive requirements for the protection of the

public than WISHA. Some codes overlap with WISHA requirements.

Building and electrical codes: WISHA rules are minimum requirements regardless of when the building was built or remodeled. Buildings must also comply with building and electrical codes at the time of construction. If you remodel you must comply with the building and electrical codes applicable at that time. Building authorities and electrical inspection authorities enforce rules from the Uniform Building Code (UBC), and the National Electrical Code (NEC).

You are encouraged to call your local fire, building or electrical authority. For more information on the requirements in your area look in the government section of your phone book. Copies of these codes are available at your local library."

WAC 296-800-110 Employer responsibilities: Safe workplace.

- Added a note that reads:

"Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. (See chapter 296-360 WAC, Discrimination, pursuant to RCW 49.17.160 for a complete description of discrimination and the department's responsibility to protect employees)."

- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-11005 Provide a workplace free from recognized hazards.

- First bullet now reads:

"Provide your employees a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death."

- Added a note that reads:

"A hazard is recognized if it is commonly known in the employer's industry, if there is evidence that the employer knew or should have known the existence of the hazard or if it can be established at [that] any reasonable person would have recognized the hazard."

WAC 296-800-11010 Provide and use means to make your workplace safe.

- First bullet now reads:

"Do not remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished for use in any employment of place of employment."

"Do not interfere with use of any of the above."

"Do not interfere with the use of any method or process adopted for the protection of any employee."

"Do everything reasonably necessary to protect the life and safety of your employees."

WAC 296-800-11015 Prohibit employees from entering, or being in, any workplace that is not safe.

- Title of this section now reads:

"~~Prohibit~~ Not require employees ~~to go in~~ from entering, or ~~be~~ being in, any workplace that is not safe."

- Added a bullet that reads:

"You must: Prohibit employees from entering, or being in, any workplace that is not safe."

WAC 296-800-11020 Construct your workplace so it is safe.

- Title of this section now reads:
"Construct your workplace so ~~that~~ it is safe."

WAC 296-800-11025 Prohibit alcohol and narcotics from your workplace.

- Second bullet now reads:
"Prohibit ~~not permit~~ employees under the influence of alcohol or narcotics from ~~on~~ the worksite."
- Third bullet is now an exemption.

WAC 296-800-11030 Prohibit employees from using equipment or materials that do not meet the applicable WISHA requirements.

- Title of this section now reads:
"Prohibit ~~not allow~~ employees from using ~~to use~~ equipment or materials that do not meet the applicable WISHA requirements."

- First bullet now reads:
"Prohibit ~~not allow~~ employees from using ~~to use~~ equipment, materials, tools, or machinery that fails to ~~does not~~ meet the applicable WISHA requirements, ~~of WISHA rules~~ including the rules for specific industries."

WAC 296-800-11035 Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

- Moved rule from WAC 296-800-14015.
- The title now reads:
"Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice."
- Added a bullet that reads:

"You must: Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice."

WAC 296-800-120 Employee responsibilities.

- Added a note that reads:
"Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. (See chapter 296-360 WAC, Discrimination, pursuant to RCW 49.17.160 for a complete description of discrimination and the department's responsibility to protect employees)."

WAC 296-800-12005 Employee responsibilities.

- Fourth bullet now reads:
"Take care of ~~for~~ all personal protective equipment (PPE) properly."
- Sixth bullet now reads:
"Report promptly to their ~~your~~ supervisor every industrial injury or occupational illness."
- Seventh bullet now reads:

"Not remove, displace, damage, or destroy or carry of any safeguard, notice, or warning, provided to make the workplace safe."

- Ninth bullet now reads:
"Not interfere with the use of any work practice designed to protect them ~~employees~~ from injuries."
- Tenth bullet now reads:

"Do ~~Not fail or neglect~~ to every other thing reasonably necessary to protect the life and safety of employees."

WAC 296-800-130 Safety committees and safety meetings.

- Summary page now reads:
"Your responsibility: To establish a workplace safety committee/meeting to develop and maintain a safe and healthy workplace for all employees."
- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-13005 Establish a safety committee or have safety meetings.

- The title now reads:
"Establish a safety committee or have safety meetings."
- Added the words "You must."
- This rule now reads:

IF:	Then:
You employ 11 or more employees on the same shift at the same location.	You must establish a safety committee
You have 10 or less employees	You may elect to have a safety meeting instead of a safety committee.
OR	
If you have 11 or more that meet these conditions:	
• Work on different shift and 10 or less employees are on each shift	
OR	
• Work in widely separated locations and 10 or less employees are at each location.	

Make sure your safety committee:

- Has both employer-selected and employee-selected members.
 - The number of employer-selected members must be equal to or less than the number of employee-elected members.
 - The term of employee-elected members must be a maximum of one year. This rule does not specify the number of terms a representative can serve.
 - If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.
- Has an elected chairperson.
- Determines how often the safety committee will meet.

Note:

- If the committee cannot agree on the frequency of safety meetings, the department of labor and industries regional safety consultation representative must be consulted for recommendations (see the resource section in this book).
- Employees selected by the employees bargaining representative or union qualify as "employee-elected."

You must:

Make sure your safety committee:

PERMANENT

- Determines when and where the safety committee will meet.
- Meetings cannot exceed one hour, unless extended by a majority vote of the committee.
- Make sure safety meetings:
 - Are held at least once a month; or weekly (or biweekly) if conditions arise that require discussions of safety problems.
 - Be composed of at least one management representative, in addition to the crew/staff."

WAC 296-800-13010 Make sure that each meeting includes a discussion of established safety topics.

- The title now reads:
"Make sure that each meeting includes a discussion of established safety topics."
- First bullet now reads:
"You must: At each safety committee or safety meeting ~~you must:~~"
- First dash now reads:
"Review safety and health inspection reports to help correct safety hazards."
- Second dash now reads:
"Evaluate the accident investigations conducted since the last meeting to determine if causes of the unsafe situation were identified and corrected."
- Third dash now reads:
"Evaluate the workplace accident and illness prevention program and discuss recommendations for improvement if needed."
- Second paragraph now reads:
"In addition, at each meeting you must:"
- Fourth dash now reads:
"Document attendance ~~and the subject(s) discussed~~"
- Fifth dash now reads:
"Write down subject(s) discussed."

WAC 296-800-13015 Make sure that safety committee meeting minutes are recorded and preserved.

- Added the words "You must."
- First bullet now reads:
 - "Prepare minutes from each safety committee meeting:
 - Preserved them for one year.
 - Make them available for review by safety and health consultation personnel of the department of labor and industries."

WAC 296-800-140 Accident prevention program.

- Summary page now reads:
"Your responsibility: To establish, supervise and enforce an accident prevention program (APP) that is effective in practice (You may call this your total safety and health plan)."
- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-14005 Develop a formal, written accident prevention program.

- First bullet: Replace the word "type" with "types."
- Second bullet now reads:
"Make sure your accident prevention program contains at least the following ~~minimum~~ elements."
- First diamond now reads:

"A description of your total safety and health program ~~accident prevention program~~."

- Third diamond bullet: Add the word "the."
- Sixth diamond bullet: Add a comma.
- Seventh diamond now reads:
"Identification of ~~the~~ hazardous gases, chemicals, or materials used ~~on-the-job~~ and instruction about ~~on~~ the safe use and emergency action to take after ~~following~~ accidental exposure."
- Second dash: Deleted the word "designated."
- Deleted the word "See" from the reference.

WAC 296-800-14015 Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

- Moved rule to WAC 296-800-11035.

WAC 296-800-14020 Develop, supervise, implement, and enforce safety and health training programs that are effective in practice.

- Title now reads:
"Develop, supervise, implement, and enforce safety and health training programs that are effective in practice."

WAC 296-800-150 First aid.

- Summary page now reads:
"Your responsibility: ~~To~~ Make sure ~~all employees receive quick and effective~~ first aid trained personnel are available to provide quick and effective first aid."
- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-15005 Make sure that first aid trained personnel are available to provide quick and effective first aid.

- Title now reads:
"Make sure that first aid ~~is available~~ trained personnel are available to provide quick and effective first aid."
- First bullet now reads:
"Choose one of the following two options to make sure that ~~first aid trained personnel are available to your employees~~ your employees have access to personnel who are trained in first aid."
- Second dash now reads:
"- Determine how many, if any, employees ~~to train~~ should be trained in first aid, based on the following factors:"
- Second diamond now reads:
"Another person with first aid training is present or available to your employees, whenever you have 2 or more employees present."

WAC 296-800-15010 Make sure first aid training contains required subjects.

- Note now reads:
"~~Also~~ Assess your workplace to determine if there are certain job hazards, ~~or~~ if the time and distance from emergency medical services indicate a need for training, beyond the items listed below."
- First bullet: Add and delete a comma.

WAC 296-800-15020 Make sure appropriate first-aid supplies are readily available.

- Title now reads:
"Make sure that appropriate first aid supplies are appropriate and easily accessible readily available."
- Second bullet: Added the word "are."
- Third bullet: Replace the word "the" with "an."

WAC 296-800-15025 Provide a first-aid station when required.

- Fourth dash: Replaced the word "have" with "has."

WAC 296-800-160 Personal protective equipment (PPE).

- Summary page now reads:
"What is PPE?: PPE are is an item or items used to protect the eyes, face, head, body, arms, hands, legs and feet such as goggles, helmets, head covers, gloves, rubber slickers, disposable coveralls, safety shoes, protective shields, and barriers."
- Changed the note to an exemption.
- Replace the word "requirement" with "rules."
- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-16005 Do a hazard assessment for PPE.

- Note now reads:
"PPE as one should not be relied on to provide protection for your employees. PPE should be used after all other reasonable means of reducing hazards have been carried out. Identifying hazards in your workplace should be built into your regular routine. ~~When you identify hazards~~ You should take active steps to get rid of all identified hazards them. For example, you can:
- Consider other ways of ~~getting a to get~~ hazardous job jobs done."

WAC 296-800-16010 Document your hazard assessment for PPE.

- First bullet now reads:
- "Name of person certifying ~~person's name who certifies~~ that a workplace hazard assessment was done."

WAC 296-800-16015 Select appropriate PPE for your employees.

- Title now reads:
"Select appropriate PPE for your employees."
- This rule now reads:
"(1) Select appropriate PPE.
• Select appropriate PPE for your employees if hazards are present, or likely to be present.
• Select PPE for each at-risk employee to use for protection from the hazards identified in your workplace hazard assessment.
• ~~Communication your PPE selection decisions to each at-risk employee.~~
(2) Select PPE that properly fits each at-risk employee."
• Move language relating to communicating your PPE selection decision to WAC 296-800-16025.
• In the note:
Added the word "may."
Added a comma. Replaced "department of labor and industries" with "OSHA."
Deleted "a" and changed "professional" to "professionals."

WAC 296-800-16020 Provide PPE to your employees.

- Second bullet now reads:
-"Is the type that would not reasonable or normally be worn away from the workplace such as single use or disposable PPE."
- Note now reads:
"Examples of PPE that the employer must provide are:
- Boots or gloves that could become contaminated with hazardous materials in the workplace.
- Safety glasses, goggles, and non-prescription protective eyewear.
- Goggles that to fit over prescription eyewear.
- Hardhats.
- Full body harnesses and lanyards.
- Single use or disposable PPE such as plastic type gloves used in the food service or medical industries."

WAC 296-800-16025 Train your employees to use PPE.

- Move language relating to communicating your PPE selection decision from WAC 296-800-16015.
- First bullet now reads:
"Communicate your PPE selection decisions to each at-risk employee."

WAC 296-800-16030 Retrain employees to use PPE, if necessary.

- First bullet now reads:
"Retrain an employee when you have reason to believe the understanding ~~they have not retained~~, motivation, and skills require to use the PPE has not been retained. Circumstances where retraining is required includes:"

WAC 296-800-16040 Require your employees to use necessary PPE on the job.

- Title now reads:
"Require your employees to use necessary PPE on the job."
- Added a bullet that reads: "You must: Require your employees to use necessary PPE on the job."
- Delete language:
"You must:
• ~~Require that employees use PPE on the job once you have:~~

- ~~Identified that employees need PPE
selected the appropriate PPE for your employees
trained employees to use PPE."~~

WAC 296-800-16045 Keep PPE in safe and ~~in~~ good condition.

- Title now reads: "Keep PPE in safe and ~~in~~ good condition."
- Replace the first bullet with the following that reads:
 - "Make sure all PPE is safe for the work to be performed. It must:
 - Be durable.
 - Fit snugly.
 - Not interfere with the employee's movement.
 - Make sure PPE is used and maintained in a clean and reliable condition.
 - Defective equipment must not be used."
- Third bullet reads:
"Make sure if employees provide their own PPE, that it is adequate for the workplace hazards, and maintained in a clean and reliable condition."

- Third bullet was incorporated into the first bullet.

WAC 296-800-16050 Make sure your employees use appropriate face and eye protection.

- First bullet reads:
"Make sure that employees exposed to hazards that could injure their ~~eyes face~~ and/or ~~face eyes~~ use appropriate protection. Examples of these hazards include:
- Second dash now reads:
"- ~~Is large~~ ~~Be big~~ enough to be worn over the prescription lenses without disturbing them."
- Fourth bullet: Replaced the word "requirements" with "standards."

WAC 296-800-16055 Make sure your employees use appropriate head protection.

- The rule now reads:
"(1) Make sure employees wear appropriate protective helmets.

~~•Make sure~~ Where employees are exposed to hazards that could cause a head injury ~~wear appropriate protective helmets such as hard hats.~~ Examples of this type of hazard include:

- Flying or propelled objects.
- Falling objects or materials.

~~•Make sure~~ Where employees are working around or under scaffolds or other overhead structures ~~wear protective helmets.~~

~~•Make sure protective~~ That helmets meet the following specific ANSI standards (most commercially available PPE is marked with specific ANSI requirements):

- Protective helmets bought before February 20, 1995, must meet ANSI standard Z89.1-1969.
- Protective helmets bought after February 20, 1995, must meet ANSI standard Z89.1-1986.
- If you use protective helmets that do not meet these ANSI standards, you must show they are equally effective.

(2) Make sure employees working near exposed electrical conductors that could contact their head wear a protective helmet designed (that meet the above ANSI standards)."

- Fourth bullet: Is numbered 3. Replace the word "then" with "if."
- Fifth bullet: Language from the fifth bullet was incorporated into the first bullet.
- Deleted the note that read:

~~"Note: When an employee must wear PPE, such as mask type respirators or ear cup type hearing protection devices, and hair, either facial or head, interferes with a proper seal."~~

WAC 296-800-16060 Make sure your employees use appropriate foot protection.

- The rule now reads:
"(1) Use appropriate foot protection.
- ~~Make sure~~ Where employees are exposed to hazards that could injure their feet ~~use appropriate foot protection.~~ Examples of these hazards are:
 - Falling objects.
 - Rolling objects.
 - Piercing/cutting injuries.
 - Electrical hazards.

~~•Make sure employees wear calks or other suitable footwear to protect against slipping while they are working on top of logs.~~

~~•Make sure PPE used to protect your employees' feet~~ That meets specific ANSI requirements.

(2) Make sure employees wear calks or other suitable footwear to protect against slipping while they are working on top of logs."

WAC 296-800-16065 Make sure your employees use appropriate hand protection.

- First bullet: Delete the word "severe."

WAC 296-800-16070 Make sure your employees are protected from drowning.

- Title now reads:
"Make sure your employees are protected from drowning."

- The rule now reads:

"(1) Provide and wear personal flotation devices.

~~•Make sure employees wear personal flotation devices (PFDs)~~ When they work in areas where the danger of drowning exists, such as:

- On the water.
- Over the water.
- Alongside the water.

Note: Employees are not exposed to the danger of drowning when:

- The water is known to be less than chest high on the employee.
- Employees are working behind standard strength and height guardrails.
- Employees are working inside operating cabs or stations that eliminate the possibility of accidentally falling into the water.
- Employees are wearing an approved safety belt with a lifeline attached that prevents the possibility of accidentally falling into the water.

- Provide your employees with ~~appropriate or allowable approved~~ approved United States Coast Guard-approved PFDs. Ski belts or inflatable type PFDs are prohibited. The following are appropriate or allowable United States Coast Guard-approved PFDs."

- Fourth bullet: Is numbered (2). Replace the words "exposure to" with "the risk of."

WAC 296-800-170 Employer chemical hazard communication.

- The introduction now reads:
"Employer Chemical Hazard Communication - Introduction.

Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The employer chemical hazard communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Note:

- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.
- You may withhold trade secret information under certain circumstances, see trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

Exemptions:

- For the purposes of this employer hazard communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
- Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-800-17055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance.
 - Tobacco or tobacco products.
 - Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding.
 - Food or alcoholic beverages.
 - Some drugs, such as retail or prescription medications.
 - Retail cosmetics.
 - Ionizing and nonionizing radiation.
 - Biological hazards.
 - Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer.
 - Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	sawed or cut in half	used whole or intact
Pipe	cut by a torch	bent with a tube bender
Nylon rope	burning the ends	tying a knot

- Manufactured items that are fluids or in the form of particles are not exempt for this rule."
- Summary page now reads:
"Your responsibility: To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:"
- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-17005 Develop, implement, maintain, and make available a written chemical hazard communication program.

- First bullet: Delete the word "and."
- Second bullet reads:
"~~Hazardous~~ Chemical hazards used during nonroutine tasks."
- Fourth bullet now reads:
"Make sure ~~that~~ your written chemical hazard communication program includes the following communication methods you will apply if you produce, use, or store hazardous chemicals at your workplace(s) in such a way that the employees of other employer(s) maybe exposed:
 - Provide the other employer(s) with a copy of the relevant material safety data sheets (MSDSs) or provide access to the ~~material safety data sheets~~ MSDS in a central location at the workplace.
 - Inform the other employer(s) of any precautionary measures that need to taken to protect employees during normal operating conditions and in foreseeable emergencies.
 - Describe how to inform the other employer(s) of the labeling system used in the workplace."
- Note now reads:

"Note:

- Examples of employees of other employers who could be exposed to chemical hazards that you produce, use, or store in your workplace include employees of construction, cleaning service, or maintenance contractors visiting or working on-site.
- Your employees have the right to get chemical hazard communication information from other employers at workplaces where they are working; and
- Employees of other employers have the right to get the information from you when they are working at your workplace.
- Include in your written chemical hazard communication program the methods that you will use to share information with other employers and their employees at your workplace(s) regarding:
 - Access to material safety data sheets.
 - Precautionary measures such as personal protective equipment and emergency plans.
 - Any labeling systems used at the workplace.

If you rely on another employer's chemical hazard communication program to share the information required and the program meets the requirements of this rule, document this say so in your own written chemical hazard communication program."

- Fifth bullet now reads:
"Make your chemical hazard communication program available to your employees. ~~Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.~~"
- Note now reads:

"Note:

- You must make the written chemical hazard communication program available, upon request, to employees, their designated representatives, the ~~director or his/her designee~~ department and NIOSH, in accordance with the requirements of Access to records, WAC 296-62-053.
- Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written chemical hazard communication program may be kept at the primary workplace facility."

WAC 296-800-17010 Identify and list all the hazardous chemicals present in your workplace.

- First bullet: Replace the word "predictable" with "fore-seeable."
- Second bullet: Spell out (MSDS), material safety data sheets. Replace the word "requirement" with "rule."
- Note now reads:

"Note:

The following are some ways to determine whether a product is hazardous:

- Look for words on the label, such as CAUTION, WARNING, or DANGER.
- Look for words or "hazard coding" that indicate that the chemical is flammable, an irritant, corrosive, carcinogenic, etc. "Hazard coding" refers to words, numbers, or colors that tell you a chemical is dangerous.
- Check the product's MSDS for hazard information.

Examples of hazardous chemicals are: Acids, adhesives, caustics, fuels, paints, varnishes, shellacs and pesticides. Too many other classes of hazardous chemicals exist to list them all here.

If you have any questions about a chemical you have at your workplace, contact your local L&I office (see the resource section of this book)."

WAC 296-800-17015 Obtain and maintain material safety data sheets (MSDS) for each hazardous chemical used.

- Note now reads:
"MSDSs are a type of employee exposure record. Therefore, you must comply with the Access to MSDS as Exposure Records, WAC 296-800-180, which is located in this book."
- First bullet now reads:
"Obtain a MSDS for each hazardous chemical used as

soon as possible if the MSDS is not provided with a the shipment of a hazardous chemical ~~you must get one from the chemical manufacturer or importer as soon as possible.~~"

- Second bullet: Incorporate information into first bullet.
- Note: Housekeeping errors fixed. For example, changed the word "chemical" to "chemicals."

WAC 296-800-17020 Make sure that MSDSs material safety data sheets are readily accessible to your employees.

Title now reads:

- "Make sure ~~that MSDSs~~ material safety data sheets are readily accessible to your employees."
- Note now reads:

"Note:

- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the ~~((material safety data sheets))~~ MSDSSs are permitted as long as they do not create barriers to immediate employee access in each workplace.
- Barriers to immediate access of electronic ~~((material safety data sheets))~~ MSDSSs may include:
-Power outages.
-Equipment failure.
-System delays.
-Deficient user knowledge to operate equipment.
-Location of equipment outside the work area.
Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.
- ~~Material safety data sheets~~ MSDSSs must also be made readily available, upon request, to ~~designated representatives and to the director or his/her designee~~ the department in accordance with the requirements of ~~Access to MSDSs~~ material safety data sheets (MSDSS) as exposure records, WAC 296-800-180. NIOSH (National Institute for Occupational Safety and Health) must also be given access to ~~material safety data sheets~~ MSDSSs in the same manner."

WAC 296-800-17025, Label containers holding hazardous chemicals.

- Second bullet: The rule became a note. Added the words "to be."
- Second note: Replaced "material safety data sheet" with "MSDS."
- Third note now reads:

"Note:

You may use words, pictures, symbols or any combination to communicate the hazards of the chemical. Be sure to train your employees so they can demonstrate a knowledge of ~~whatever~~ the labeling system you use.

Some alternative labeling systems do not communicate target organ information, so ~~employees~~ the employee will have to rely on training to provide provided by the employer to obtain this information."

- Fourth bullet now reads:

PERMANENT

"Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. ~~Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.~~"

Fourth note now reads:

"Note:

- Above is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.
- Employers with non-English speaking employees may use other languages in the warning information in addition to the English language."

Fifth bullet now reads:

"Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health standard rule, you must make sure that the labels or other forms of warnings used are used in accordance to those rules with the requirements of that standard. For examples include: Asbestos; WAC 296-62-0772(6) Formaldehyde, WAC 296-62-07540-(13)(e)."

WAC 296-800-17030 Inform and train your employees about hazardous chemicals in your workplace.

- First bullet: Change the word "standard" to "rule." Add the word "MSDSs."
- Fifth bullet: Delete the words "of Labor and Industries."
- Note now reads:
 - "Interactive computer-based training or training videos can be used ~~when provisions are made to: provided they are effective.~~ Allow trainees to ask questions of a qualified trainer. Provide trainees of sufficient hands-on experience. Incorporate relevant site-specific information.
- Second note: Replaced the words "Material Safety Data Sheets" with "MSDSs."

WAC 296-800-17035 Follow these rules for laboratories using hazardous chemicals.

- First bullet now reads:
 - (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
 - (2) Maintain material safety data sheets (MSDS) received with incoming shipments of hazardous chemicals and make them available to laboratory employees when they are in their workareas.
 - (3) Provide laboratory employees with information and training as described in: "Inform and train your employees about hazardous chemicals in your workplace," WAC 296-800-17030, except for the part about the location and availability of the written chemical hazard communication program."

WAC 296-800-17040 Follow these rules for handling chemicals in factory-sealed containers.

- First paragraph now reads:

~~"Make sure where employees~~ This applies to situations where employees only handle chemicals in factory-sealed containers that are not opened under normal use (such as those found in marine cargo handling, trucking, warehousing, or retail sales), you must comply with the following:

You must:

- (1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.
- (2) Keep or obtain material safety data sheets.
 - Keep any MSDS that are received with incoming shipments of the sealed containers of hazardous chemicals.
 - If a factory-sealed container of hazardous chemicals comes without a MSDS, obtain a MSDS one as soon as possible, if an employee requests it.
- (3) Make sure that the MSDSs are readily accessible during each work shift to employees when they are in their work area(s).
- (4) ~~Provide employees with information and training in WAC 296-800-17030.*~~ Inform and train your employees about hazardous chemicals in your workplace, to protect them in case of a hazardous chemical spill or leak from a factory-sealed container. Exemption: You do not have to cover the location and availability of the written chemical hazard communication program."

WAC 296-800-17045 Translate certain chemical hazard communication documents upon request.

- First bullet: Replace the word "MSDS" with "material safety data sheet." Replace the word "standard" with "rule."

WAC 296-800-17050 Attempt to obtain a material safety data sheet (MSDS) upon request.

- First bullet now reads:
 - "Upon receipt of an employer's written request for a MSDS material safety data sheet, attempt to obtain the MSDS from the chemical manufacturer, importer, or distributor. When the department receives the MSDS, ~~it the department~~ must forward a copy of it to the purchaser at no cost. Priority for this service will be given to small employers. Small business employers will be given priority for this service."

WAC 296-800-17055 Items or chemicals exempt from this rule, and exemptions from labeling.

- In the description of any consumer product or hazardous substance: Delete the words "as those terms are."
- In the description of any hazardous waste: Delete the words "as such term is." Replace the word "standard" with "rule."
- In the description of any hazardous substance: Delete the words "as such term is."
- In the description of wood or wood products: Replace the word "standard" with "rule."
- In the description of articles:
 - Replaced the word "e.g." with "for example" and "such as."
 - Replaced the word "mean" with "meaning."
 - Added the word "and."
- In the description of food and alcoholic beverages: Delete the parenthesis.

- In the description of any drug: Delete the words "as that term is." Replace the word "e.g." with "for example."
- In the description of any pesticide: Delete the words "as such term is."
- In the description of any chemical substance or mixture: Delete the words "as such terms are."
- In the description of any food, food additive, color additive, drug, cosmetic, or medical/veterinarian device or product: Replace the word "e.g." with "for example" and delete the words "as such terms."
- In the description of any distilled spirits: Delete the words "as such terms are."
- In the description of any consumer product or hazardous substance: Delete the words "as those terms are." Replace the word "standard" with "rule."

WAC 296-800-180 Material safety data sheets (MSDSs) as exposure records.

- Summary page: Add a note that reads:

"Note:

- Access to records, WAC 296-62-052, requires the preservation and access to other exposure records including records such as workplace monitoring data and biological monitoring results in medical records. If you keep these other types of employee exposure records or employee medical records you must comply with these additional requirements.
- This rule applies to every employer who maintains, makes, contracts for, or has access to MSDSs for chemicals used in their workplace.
- The specific identity of a toxic substance may be withheld from a disclosable record if it is a verifiable trade secret. For trade secret requirements, see WAC 296-62-053.
- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-18005 Preserve exposure records for at least 30 years.

- The title now reads:

"Preserve exposure records for at least 30 years."

- The rule now reads:

- "Keep material safety data sheets (MSDSs) and analysis using MSDSs for at least thirty years, (includes current, former and employers receiving transferred records). Preserve MSDSs in any form, as long as the information is not altered and is retrievable. You may keep alternative records instead of MSDSs concerning the identity of a substance. The alternative record must also be kept for thirty years and contain the following information:
 - Some record of the identity (chemical name, if known) of a substance or agent.
 - Where the substance or agent was used.
 - When the substance or agent was used.
- Preserve MSDSs in any form, as long as the information is not altered and is retrievable.

Note: ~~Maintaining an MSDSs in an alternative form may be less work than you think.~~ Keeping alternative records may be less work than you think. When developing your hazard communication program's list of haz-

ardous chemicals (WAC 296-800-17010), add the "where used" and "when used" information required by this ~~standard rule.~~

WAC 296-800-18010 Inform current employees of exposure records.

- First bullet: Spell out material safety data sheets. Add the word "thereafter."
- After the note added the words "You must."
- Third bullet: Replace "assistant director for WISHA services" with "department."

WAC 296-800-18015 Provide access to exposure records.

- First bullet now reads:
 - "Provide access, whenever requested by an employee (any current, former, or transferred worker) or their designated representative, to a relevant exposure record such as material safety data sheets (MSDSs) or their alternative, or analysis using MSDSs or their alternative:
 - In a reasonable time, place, and manner.
 - Within fifteen working days. If the employer cannot meet the fifteen working day this requirement, they must inform the requesting party of the reason for the delay and the earliest date the record will be made available.

~~If the employer cannot meet the fifteen working day requirement, they must inform the requesting party of the reason for the delay and the earliest date the record will be made available.~~

Definition: A designated representative is:

- ☐ Any individual or organization to which an employee gives written authorization.
- ☐ A recognized or certified collective bargaining agent, without regard to written employee authorization.
- ☐ A deceased or legally incapacitated employee's legal representative.

Definition: ☐ An employee is any current, former or transferred worker.

- Second bullet now reads:

"Make sure the ~~director of the department of labor and industries~~ department has prompt access to any exposure records and related analysis. This must be done without violation of any rights under the Constitution or the Washington Industrial Safety and Health Act that the employer chooses to exercise."

WAC 296-800-18020 Transfer records when ceasing to do business.

- First bullet now reads:

"Transfer all material safety data sheets (MSDSs) as exposure records to the successor employer, who must receive and preserve, or keep unchanged, these records."

- Second bullet now reads:

"If there is no successor to receive and preserve the employee exposure records:

-Notify affected current employees of their rights of access to records at least 3 months prior to the cessation of the employer of the business and

-Transfer the records to the department, if required by a specific WISHA safety and health rule."

~~Do the following if:~~

~~There is no successor to receive and preserve the employee exposure records:
 Notify affected current employees of their rights of access to records at least three months prior to the cessation of the employer's business and
 Transfer the records to the director of the department of labor and industries, if so required by a specific industrial safety and health standard.~~

WAC 296-800-19005 Provide a safety bulletin board in your workplace.

- First bullet now reads:
 - "Install and maintain a safety bulletin board in every fixed workplace (establishment) that has eight or more employees. Make sure the safety bulletin board is large enough to post information such as the following:
 - Safety bulletins
 - Safety newsletters
 - Safety posters
 - Accident statistics
 - Other safety educational material."

WAC 296-800-20005 Post and keep a WISHA poster in your workplace.

- First bullet now reads:
 - "Post it where employees it can easily see it be seen by employees and keep it in good condition ~~Keep it posted and in good shape.~~"

WAC 296-800-21005 Provide and maintain adequate lighting.

- First bullet now reads:
 - "You must:
 - Provide and maintain adequate lighting for all work activities in your workplace. (See the following table)
 - ~~If general lighting is not available, you must have adequate light to see nearby objects that might be potential hazards or to see to operate emergency controls or other equipment.~~

Lighting Table

Activity	Lighting Table	
	Minimum acceptable average lighting level in an area: (Foot-candles)	Any one single measurement used to determine the average lighting level. *cannot be less than: (Foot-candles)
Indoor task	10	5
Outdoor task	5	2.5
Nontask activities for both indoor and outdoor	3	1.5

* Lighting levels must be measured at thirty inches above the floor/working surface or at the task.

You must:

- Have adequate light for employees to see nearby objects that might be potential hazards or to see to operate emergency controls or other equipment, if general lighting is not available.

Note: -Lighting levels can be measured with a light meter.
 -Conversion information: 1 foot-candle =1 lumen incident per square foot =10.76 lux."

WAC 296-800-220 Housekeeping, drainage, and storage.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).
- Summary page: Add a note that reads:
 - "Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book."

WAC 296-800-22005 Keep your workplace clean.

- Added the word "orderly."

WAC 296-800-22010 Sweep and clean your workplace to minimize dust.

- Title now reads: "Sweep and clean your workplace ~~in a way that~~ to minimizes dust."
- First bullet now reads:
 - "Sweep and clean your workplace in a way that minimizes dust in the air as much as possible."
- Second bullet now reads:
 - "When practical, clean after hours so that your employees are not exposed to dust in the air on the job ~~Sweep and clean your workplace in a way that minimizes dust in the air as much as possible.~~"

WAC 296-800-22015 Keep your workplace free of obstacles that would interfere with cleaning.

- Title now reads: "Keep your workplace free of obstacles that ~~would~~ interfere with cleaning."
- Incorporated second bullet into first bullet that now reads:
 - "Keep your workplace clear of obstructions such as nails, splinters, ~~and~~ loose boards and unnecessary holes and openings to make cleaning easier and more effective."
 - ~~Get rid of unnecessary holes and openings.~~

WAC 296-800-22020 Control pests in your workplace.

- Added a note that reads:
 - "By handling dead or live pests including waste products, attached parasites and other contaminated materials, your employees may be exposed to certain health risks. These risks include, but are not limited to: Hanta virus, rabies, lyme disease and psittacosis. Contact your local L&I office (see resources section of this book) or the public health department for more information about health risks and proper pest handling and disposal techniques.
 - "Workplace" includes storage areas."

WAC 296-800-22022 Make sure floors are maintained in a safe condition.

- The language in this section is moved from WAC 296-800-27010 and reads:

"Make sure floors are maintained in a safe condition.

PERMANENT

You must:

- Make sure floors are kept free of debris. This includes:
 - Buildings
 - Platforms
 - Walkways and driveways
 - Storage yards
 - Docks
- Use a nonslip coating on all polished floors."

WAC 296-800-22025 Keep your workroom floors dry, when practical.

- First bullet now reads:
 "Do the following to help keep your employees dry if wet processes are used in your you workplace workarea:
 - Maintain drainage away from the workarea workplace; and
 Provide false floors, platforms, or other dry places where employees can stand, where practical or provide appropriate waterproof footwear." ~~where practical or appropriate for your workplace.~~

WAC 296-800-22035 Store things safely.

- Third bullet: Add the words "or more."

WAC 296-800-230 Drinking water, bathrooms, washing facilities, and waste disposal.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-23005 Provide safe drinking (potable) water in your workplace.

- This section now reads:
 "(1) Provide safe drinking (potable) water for employees for:

- ~~Drinking~~
- Washing themselves
- Personal service rooms
- Cooking
- Washing premises where food is prepared or processed of food preparation or processing premises
- Washing food, eating utensils, or clothing

(2) Containers and dispensers.

- Make sure your movable, or portable, drinking water dispensers are:
 - Capable of being closed
 - Kept in sanitary condition
 - Equipped with a tap
- ~~Prohibit the~~ Not use of open containers such as barrels, pails, and tanks from which employees must dip or pour drinking water, ~~even if the containers have covers.~~

~~(3) Not allow~~ Prohibit employees ~~to use~~ from using shared drinking cups or utensils.

Definition: Potable water: Water that you can safely drink that meets specific safety standard prescribed by the United State Environmental Protection Agencies National Interim Primary Drinking Water Regulations, published in 40 C.F.R. Part 141, and 40 C.F.R. 147.2400."

WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).

- First bullet: Numbered (1).

- Second bullet now reads:
 "Not Prohibit the use of nonpotable water that could create unsafe conditions such as concentrations of chemicals, for example lead or chlorine, fecal coliform bacteria, or other ~~organisms~~ substances."
- Note: Added the word "Cleaning."

WAC 296-800-23015 Make sure that systems delivering not-fit-for-drinking (nonpotable) water prevent backflow into drinking water systems.

- Title now reads:
 "Make sure that systems delivering not-fit-for-drinking (nonpotable) water prevent backflow into drinking water systems."
- Added a bullet that reads: "You must: Make sure that systems delivering not-fit-for-drinking (nonpotable) water prevent backflow into drinking water systems."

WAC 296-800-23020 Provide bathrooms for your employees.

- First bullet: Numbered (1).
- Third bullet: Numbered (2).
- Fourth bullet: Numbered (3).

WAC 296-800-23025 Provide convenient, clean washing facilities.

- First and second bullet: Replaced the word "bathroom" with "washing facilities."
- Third bullet now reads:
 "Near the sinks and basins provide, individual paper or cloth hand towels; or individual sections of clean continuous cloth toweling; or warm air blowers for drying hands; ~~in a location near the sinks and basins.~~"

WAC 296-800-23030 Keep containers used for garbage or waste in a sanitary condition.

- This section now reads:
 "~~Not allow garbage to leak out of your waste container.~~
 ☒ Be able to thoroughly clean your waste container.
 ☒ Have a solid, tight fitting cover on your waste container, unless it can be maintained in a sanitary condition without a cover.
 Do the following to maintain your waste containers:
 -Do not allow garbage to leak out of the containers
 -Be able to thoroughly clean the containers
 -Make sure containers have tight fitting covers (unless you can keep them sanitary without)."
 Note:
 If you can demonstrate that you keep your waste container(s) clean, they do not have to meet ~~these~~ the requirements."

WAC 296-800-23035 Remove garbage and waste in a way that does not create a health hazard.

- First bullet: Removed two commas.

WAC 296-800-240 Environmental tobacco smoke in the office.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).

WAC 296-800-24005 Control tobacco smoke in your building.

- Title now reads:
 "Control ~~the~~ tobacco smoke in your building."
 • This section now reads:

PERMANENT

"Exemption: The minimum criteria specified in this rule do not apply to outdoor structures provided for smokers such as gazebos or lean-tos.

You must:

Prohibit *smoking* in your office work environment or Restrict *smoking* inside your office work environment to designated enclosed smoking rooms that meet the following specific minimum criteria:

~~The minimum criteria for employee smoking rooms is as follows:~~

-Identify *smoking* rooms clearly with signs.

-Make sure the designated *smoking* rooms are not in common areas, such as:

-Places where nonsmoking employees are required to work or visit

-Restrooms

-Washrooms

-Hallways

-Stairways

-Cafeterias/lunchrooms

-Meeting rooms

- Make sure that no employee is required to enter a designated *smoking* room while someone is smoking there.

- Conduct cleaning and maintenance work in designated *smoking* rooms when smokers are not present.

- You must: Ventilate designated smoking rooms at a rate of at least 60 ~~cfm~~ cubic feet per minute per smoker (calculated on the basis of the maximum number of smokers expected during the course of a normal working day), which can be supplied by transfer air from adjacent areas.

- Maintain, ~~at all times,~~ enough negative air pressure in designated *smoking* areas to prevent smoke from migrating into nonsmoking areas, at all times.

- Operate a separate mechanical exhaust system in designated *smoking* rooms, ~~This is to make sure that the exhausted air moves directly outside,~~ and does not recirculate into nonsmoking areas.

- Prohibit use of the designated *smoking* room; if the mechanical exhaust system is not working properly, until repairs are completed.

Note:

This ventilation rate is recommended for occupancies of no more than seven people for every 100 square feet of net occupied space in the designated smoking room."

WAC 296-800-24010 Control tobacco smoke that comes in from the outside.

- Title now reads:

"Control tobacco ~~the~~ smoke that comes in from the outside."

WAC 296-800-250 Stairs and stair railings.

- Note: Add a note that reads:

"Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the

WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book."

- Exemptions now reads:

- "Stairs used exclusively for fire exit purposes

- Construction operations (See WAC 296-24-76503 for the specifications for safe design and construction of fixed general industrial stairs)

- Private buildings or residences

- Articulated stairs (for example, stairs used at a marina)

- Nonindustrial and "Monumental" are excluded as they are not "industrial" stairs; however, when public and private building steps are located at loading or receiving docks, in maintenance areas, etc., or are used exclusively by employees, the requirements of this rule must apply."

WAC 296-800-25005 Provide fixed stairs where required.

- Second bullet: Moved some of this language and added it to the note that reads:

"You could use a spiral stairway as an exit route in a restricted area that lacks room for a conventional stairway."

- Definition section: Definition of a riser now reads:

"A riser is the vertical part of the step at the back of a tread that rises to the front of the tread above."

WAC 296-800-25010 Provide stairs that minimize hazards.

- First bullet: Numbered (1).

- Second bullet: Numbered (2).

- Third bullet now reads:

- ~~Provide a stairway platform, if doors or gates open directly on a stairway:~~

- ~~The platform must be at least 20 inches wide when the door swings open:~~

"(3) Provide a platform where doors or gates open directly on a stairway. The swing of the door must not reduce the effective width of the platform to less than 20 inches."

"Note: To see all of the ~~standards~~ rules for building fixed stairs, refer to WAC 296-24-75011 and 296-24-765 of the General safety and health standard."

WAC 296-800-25015 Provide handrails and stair railings.

- Exemption: Replace the word "requirement" with "rules."

- Definition: Definition of handrail now reads:

"Handrails is a single bar or pipe on brackets from a wall or partition to provide a continuous handhold for persons using a stair."

- Note: Replace the word "standard" with "rule."

WAC 296-800-26005 Guard or cover floor openings and floor holes.

- First bullet now reads:

"You must:

(1) Guard stairway floor openings, temporary floor opening and floor holes.

- ~~A railing must~~ Protect all stairway floor openings with a railing. The railing must protect all open sides except the stairway entrance side.

- Use a hinged cover and a removable railing where traffic across an infrequently used stairway floor

opening prevents the installation of a fixed railing. ~~You must use a hinged cover and removable railing.~~ This removable railing must protect all open sides except the stairway entrance side.

- Protect temporary floor openings ~~must be protected~~ by either a railing or by a person who constantly attends the opening.
- Guard floor holes. ~~When a floor hole cover is not in place, the hole must be protected by a removable railing or constantly attended by someone.~~
- Protect exposed floor holes into which a person can accidentally walk must be protected by either:
 - A railing with a toeboard on all open sides or
 - A floor hole cover of standard strength and construction that can be hinged in place. When a floor hole cover is not in place, the hole must be protected by a removable railing or constantly attended by someone.
- Provide covers for floor openings ~~and floor holes~~. Floor opening covers may be of any material that has a safety factor of 4, or is strong enough to hold up to 4 times the intended load. Covers that do not project more than 1 inch above the floor level may be used providing all edges are beveled (slanted) to prevent tripping. All hinges, handles, bolts, or other parts of a cover must set flush with the floor or cover surface.

(2) ~~To~~ Prevent tools and materials from falling through a floor hole. The floor hole must be protected by a cover that leaves an opening no more than one inch wide and is securely held in place. This applies only to floor holes that persons cannot accidentally walk into on account of fixed machinery, equipment, or walls."

WAC 296-800-26010 Protect open-sided floors and platforms.

- Deleted definition of "open-sided floor."
Definition: ~~An open-sided floor is any floor or platform four feet or more above adjacent floor or ground level that is not enclosed.~~
- First three bullets now read:
 - (1) "Guard open sided floors and platforms
 - Guard open-sided floors and platforms 4 feet or more above adjacent floor or ground level by a railing. The entrance to a ramp, stairway, or fixed ladder does **not** need a railing.
 - Guard open-sided floors, walkways and platforms above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and other similar hazards, regardless of height with a railing and toeboard.

Note:

- Where the guarding requirements rules above do not apply because employee are exposed exposure to falls is infrequent (not on other than a predictable and regular basis), you must comply with the personal protective equipment (PPE) requirements rules (WAC 296-800-160) or other effective fall protection must be provided.

- You can find the minimum requirements for standard railings of various types of construction in WAC 296-24 800-75011.

You must:

(2) Make sure tools and loose materials are not left on overhead platforms and scaffolds."

WAC 296-800-270 Workplace structural integrity.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).

- Note: Add a note that reads:

"Note: The introduction has important information about fire, building and electrical codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to fire building and electrical codes" in the introduction section of this book."

WAC 296-800-27005 Do not overload floors or roofs.

- Added the word "Do" to the title of this section.
- Replaced the words "Not load" with "Prohibit overloading."

WAC 296-800-27010 Make sure that floors are safe.

- Second bullet now reads:
 - Make sure floors are of substantial construction and kept in good repair ~~and free of debris~~. This includes floors of:
 - Buildings
 - Platforms
 - Walks and driveways
 - Storage yards
 - Docks

- Third bullet: Delete this bullet.

~~"Use a non-slip coating on all polished floors."~~

- Fourth bullet: Add language from WAC 296-800-27015.

"Make sure that structures are designed, constructed, and maintained to provide a safety factor of 4 times the imposed maximum strain.

- If you notice bowing, cracking, or other indications of excessive strain on a structure, you must take action to make sure it is safe.
- Note: This rule applies to all buildings or those that have had complete or major changes or repairs built after 5/7/74."

~~**WAC 296-800-27015 Make sure that structures provide a safety factor of 4.** This section is deleted and incorporated into WAC 296-800-27010.~~

WAC 296-800-2701520 Make sure floors can support equipment that moves or has motion Post-approved load limits (weight limits) for floors.

- Added the word "fixed."
- Change WAC number from WAC 296-800-27020 to 296-800-27015.

WAC 296-800-2702520 Post approved load limits (weight limits) for floors.

- Change WAC number from WAC 296-800-27025 to 296-800-27020

WAC 296-800-280 Electrical.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).
- Note: Add a note that reads:

Note: The introduction has important information about fire, building and electrical codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to fire, building and electrical codes" in the introduction section of this book.

WAC 296-800-28010 Make sure all electrical equipment is used for its approved or listed purpose.

- Definition of electrical outlets now reads:
"Electrical outlets are places on an electric circuit where power is supplied to equipment through receptacles, sockets and outlets for attachment plugs."

WAC 296-800-28020 Make sure electrical equipment that is not marked is not used.

- The title now reads:
"Make sure electrical equipment that is not marked by ~~the manufacturer can not be~~ is not used.

You must:

- Make sure ~~manufacturer~~ markings are durable and appropriate to the environment. ~~appropriate markings include:~~

- Provide Appropriate markings which include:

- The manufacturers' name.

or

- Trademark.

or

- The organization responsible for the product.

and

- Voltage, current and wattage or other ratings as necessary."

WAC 296-800-28025 Maintain electrical fittings, boxes, cabinets, and outlets in good condition.

- First through fifth bullet: Numbered (1) and titled "Do the following to covers and openings."
- Sixth bullet: Numbered (2) and replace the word "that" with "which."
- Added "ft." to table and titled the table "Work clearance table."

WAC 296-800-28030 Maintain all flexible cords and cables in good condition and use safely.

- Note: Added the words "a type of."
- First bullet: Numbered (1) and titled "Perform visual inspections." Replaced the words "Visually inspect" with "on."
- Second bullet: This is now an exemption that reads:
"Exemption: You do not need to visually inspect portable cord- and plug-connected equipment and extension cords that which stay connected once in place and are not exposed to damage do not need visual inspection until they are moved."
- Second through tenth bullet: Numbered (2) and titled "Make sure flexible cords and cables are used as described."
- Second bullet reads:
"And remove from service any defective or damaged cord until repaired and tested."
- Note: Added a note that now reads:
"Note: Extension cords (flexible cord sets) may be used on a temporary basis if you follow the rules

described in the temporary use section WAC 296-800-28030(3)."

- Fourth bullet: Moved this bullet to the second bullet.
~~"Remove from service any defective or damaged cord until repaired and tested."~~
- Sixth bullet: Moved this bullet to the eighth bullet.
~~"Make sure insulation on flexible cords, extension cords and cables is intact."~~
- Eighth bullet now reads:
"Make sure insulation on flexible cords, extension cords and cables is intact."
- Tenth bullet: Added this bullet and it now reads:
"Prohibit your employees from using wet hands to plug or un-plug equipment or extension cords if the equipment is energized."
- Eleventh and twelfth bullets: Numbered (3), titled "Provide the following for temporary use," and rearranged.

WAC 296-800-28035 Guard electrical equipment to prevent your employees from electrical hazards.

- Title now reads:
~~Prevent your employees from coming into contact with live electrical parts:~~
"guard electrical equipment to prevent your employees from electrical hazards."
- Second bullet: Numbered (1) and incorporated this bullet into the second sub-bullet under the first bullet that reads:

"By location in a room, vault, or similar enclosure that is accessible only to employees qualified to work on the equipment. Entrances to rooms and other guarded locations containing exposed live parts must be marked with conspicuous warning signs forbidding unqualified persons to enter."

- Third bullet: Numbered (3) that reads:
"In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage."
- Fifth bullet: Numbered (2).

WAC 296-800-28040 Make sure electrical equipment is effectively grounded.

- The title now reads:
~~"You must make sure electrical equipment is effectively grounded"~~
"Make sure electrical equipment is effectively grounded."
- Note: Note now reads:
~~"An approved system of double insulation can be used instead of grounding listed or labeled portable tools and appliances. If such a system is used, the equipment must be distinctly marked. Grounding can be achieved by: Using tools and appliances equipped with an equipment grounding conductor (three-pronged plug and grounded electrical system)."~~

WAC 296-800-28045 Make sure electrical equipment has overcurrent protection.

- Seventh bullet: Deleted the words "that to."

WAC 296-800-290 Portable ladders: Metal and wooden.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).
- Exemption: Added the words "other special ladders" to the list.
- Note: Add a note that reads:
"For design and construction requirements for wood and metal ladders, see WAC 296-24-780 and 296-24-79503 of the General safety and health standard."

WAC 296-800-29005 Inspect your portable metal ladders periodically.

- First and second bullet now reads:
 - "Immediately inspect a ~~portable metal~~ ladder if it ~~tips over~~ look at:
 - Tips over.
 - Is exposed to oil or grease.
 - Is exposed to excessive as in the case of fire.
 - Is subjected to certain acids or alkali solutions.~~The rails for dents, bends or dented rungs.~~
~~All the rungs to side rail connections.~~
~~The hardware connections.~~
~~Rivets for shear damage.~~
- If it tips over, look at:
 - The rails for dents, bends or dented rungs.
 - All the rungs to side rail connections.
 - The hardware connections.
 - Rivets for shear damage."

WAC 296-800-29010 Make sure your portable metal ladders are kept in good condition.

- Fourth bullet now reads:
"Properly support your ladder while transporting on vehicles. To prevent chafing and the effects of road shock, use supports that are made of material softer than the metal ladder, such as hard wood or rubber-covered iron pipe. ~~Tying the ladder to each support point will greatly reduce damage due to road shock.~~"
- Note: Second bullet in the note was moved to the summary page of this rule.

WAC 296-800-29015 Use your portable metal ladders safely.

- First bullet now reads:
"(1) Use metal ladders only for their intended purpose.
~~Make sure a non-self supporting portable ladder is set at a safe angle at 75 1/2 degrees, for maximum balance and strength.~~"
- Second bullet: Numbered (2).
- Third bullet: Numbered (3).
- Fourth bullet: Numbered (4).
- Fifth bullet: Numbered (5).
- Sixth bullet now reads:
"(6) Make sure a nonself-supporting ladder is set at a safe angle. of 75 1/2 degrees, for maximum balance and strength. The proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder."

WAC 296-800-29025 Make sure your portable wooden ladders are kept in good condition.

- First bullet: Added a sub-bullet that reads:

"Safety feet and other auxiliary equipment are kept in good condition."

- Third bullet: Deleted this bullet.
"~~Make sure that where the top of the ladder rests is reasonably rigid and strong enough to support the load.~~"
- Fourth bullet: Deleted this bullet.
"~~Make sure safety feet and other auxiliary equipment are kept in good condition.~~"

WAC 296-800-29030 Use your portable wooden ladders safely and for their intended purpose.

- This section now reads:
 - "(1) Use the appropriate length of ladder."
 - Use single ladders less than or equal to 30 feet long.
 - Use 2-section extension ladders less than or equal to 60 feet long.
 - (2) Make sure ladders meet the following rules:
 - Shorter sections can not be spliced to make longer sections.
 - Ladders can be made by fastening cleats across a single rail.
 - (3) Use ladders safely.
 - Make sure ladders are not used as guys, braces, or skids.
 - Putting ladders on boxes, barrels or other unstable to make the ladder taller is not allowed.
 - Make sure ladders are not used in a horizontal position.
 - (4) Make sure that rung and cleat ladders are set up at a safe angle. (See note and illustration on Safe Ladder Angle in WAC 296-800-29015.)
 - (5) Make sure that where the top of the ladder rests is reasonably rigid and strong enough to support the load.
 - (6) Place the bottom of a portable wooden ladder so it will not slip, or the bottom must be tied or held in position.
 - (7) Not place a portable wooden ladder in front of doors that open towards the ladder, UNLESS you:
 - Block the door open, or
 - Lock the door, or
 - Guard the door to keep it from opening into the ladder

(8) Make sure 2-section extension ladders overlap as follows:

<u>Length of section of extension ladders (feet)</u>	<u>Minimum overlap allowed (feet)</u>
<u>Less than 36</u>	<u>3</u>
<u>37-48</u>	<u>4</u>
<u>49-60</u>	<u>5</u>

(9) Make sure ladders with metal reinforced rails are used with the reinforcement on the under side to avoid hazards such as tripping and electrocution.

(10) Not place ladders in elevator shafts and hoistways, except where used by workers assigned to that type of work.

- Employees must be protected from falling objects, when assigned to work on ladders in elevator shafts and hoistways

(11) Not support more than one section of plank per ladder rung.

PERMANENT

- Do not allow more than 2 persons on one section of planking at a time.

(12) Brace the ladder to reduce the spring caused by weight on the ladder.

(13) Keep shoes free and clean of greasy and slippery substances when climbing.

(14) Have both hands free to hold on to the ladder when climbing."

- ~~Not use single ladders more than thirty feet long.~~
- ~~Not use two-section extension ladders more than sixty feet long.~~
- ~~Not:~~
- ~~Splice shorter sections together to make longer sections.~~
- ~~Use ladders as guys, braces or skids.~~
- ~~Place ladders on boxes, barrels or other unstable bases to make the ladder taller.~~
- ~~Use ladders in a horizontal position.~~
- ~~Make ladders by fastening cleats across a single rail.~~

~~Make sure that rung and cleat ladders are set up at a safe angle. (See note and illustration on safe ladder angle in WAC 296-800-29015.)~~

WAC 296-800-29035 When climbing portable wooden ladders safely.

- This section was deleted and incorporated into 296-800-29030.

~~"You must:~~

- ~~Keep shoes free and clean of greasy and slippery substances.~~
- ~~Have both hands free to hold on to the ladder.~~
- ~~Make available separate portable wooden ladders for climbing up and climbing down, when there is heavy traffic on a ladder in building construction of more than two stories in height."~~

WAC 296-800-2903540 Safely use a portable wooden ladder when working more than 25 feet above the ground.

- Moved this section to WAC 296-800-29035.
- First bullet: Numbered (1)
- Second bullet: Numbered (2)
- Third bullet: Numbered (3)
- Incorporated bullets four through twelve into WAC 296-800-29030.
- ~~Place the bottom of a portable wooden ladder so it will not slip, or the bottom must be tied or held in position.~~
- ~~Not place a portable wooden ladder in front of doors that open towards the ladder, UNLESS:~~
 - ~~You block the door open or~~
 - ~~You lock the door or~~
 - ~~You guard the door to keep it from opening into the ladder~~
- ~~Make sure 2-section extension ladders overlap as follows:~~

Length of section of extension ladders (feet)	Minimum overlap allowed (feet)
Less than 36	3
37-48	4
49-60	6

- ~~Make sure ladders with metal reinforced rails are used with the reinforcement on the under side to avoid hazards such as tripping and electrocution.~~
- ~~Not place ladders in elevator shafts and hoistways, except where used by workers assigned to that type of work.~~
- ~~Employees must be protected from falling objects, when assigned to work on ladders in elevator shafts and hoistways~~
- ~~Not support more than 1 section of plank per ladder rung.~~
- ~~Do not allow more than 2 persons on 1 section of planking at a time.~~
- ~~Brace the ladder to reduce the spring caused by weight on the ladder.~~
- ~~Have a center rail and sides that are plainly marked as "up" and "down" if you use 1 broad ladder.~~
- ~~Not perform work requiring eye protection, respirators, and/or pressure equipment if over 30 feet above the ground."~~

WAC 296-800-290405 Use wooden stepladders safely.

- The title of this section reads:
- "Use wooden stepladders safely."
- Moved this section to WAC 296-800-29040.

WAC 296-800-300 Portable fire extinguishers.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).
- Note: Deleted proposed language in note and replace with:

Important:

"The following WISHA rule applies to the placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees. Your local fire marshal also enforces fire codes which address fire safety that are more comprehensive and may go beyond WISHA rules.

Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book."

- Modified exemption that reads:
- "Exemptions:
 - You are exempt from the requirements of portable fire extinguishers if you have the following:
 - You have:
 - A written fire safety policy that requires the immediate and total evacuation of employees from the workplace when there is a fire alarm signal,
 - AND
 - An emergency action plan and a fire prevention plan which meet the requirements of WAC 296-24-567
 - AND
 - Portable fire extinguishers in your workplace that are not accessible for employee use.
 - If another WISHA rule requires portable fire extinguishers, then you must comply with these requirements.

PERMANENT

Where extinguishers are provided but are not intended for employee use and you have an emergency action plan and a fire prevention plan (which meet the requirements of WAC 296-24-567), then only the requirements of WAC 296-800-30020 apply."

WAC 296-800-30005 Provide portable fire extinguishers in your workplace.

- First bullet: Numbered (1).
- Second bullet: Numbered (2)
- Third bullet: Incorporated into numbered (1) and reads:
 - "Make sure that your portable fire extinguisher does not use extinguishing agents such as carbon tetrachloride or chlorobromomethane extinguishing agents. In addition, soda-acid foam, loaded stream, anti-freeze and water extinguishers of the inverting type shall not be recharged or placed into service."
 - ~~Make sure that your portable fire extinguisher does not use tetrachloride or chlorobromomethane extinguishing agents."~~

WAC 296-800-30010 Select and distribute portable fire extinguishers in your workplace.

- Modified exemption that reads:

Exemption:

- This does not apply to the portable fire extinguishers provided for employees to use outside of workplace buildings or structures.
- You are exempt from the distribution requirements of this rule if you have an emergency action plan (that meets requirements of WAC 296-24-567):
 - Which designates certain employees to be the only employees authorized to use the available portable fire extinguishers; and
 - Requires all other employees in the fire area to immediately evacuate the affected work area upon the sounding of the fire alarm
- First bullet: Added the words "you must."
- Table: Added a title to the table, it reads: "Fire Extinguisher Distance Table."
- Table: Added a note that reads: "You may choose to use a smaller fire extinguisher in lieu of that required for the 50 foot distance. If you do choose to have the smaller fire extinguisher the travel distance must not be greater than 30 feet. See UFC Standard 10 Chapter 3 for the basic minimum extinguisher rating allowed."

WAC 296-800-30015 Make sure that portable fire extinguishers are kept fully charged, in operable condition, and left in their designated places.

- Added a bullet that reads:

"Make sure that fire extinguishers found with deficiencies are removed from service and replaced with a suitable fire extinguisher."

WAC 296-800-30020 Inspect and test all portable fire extinguishers.

- Deleted second subbullet that reads:

"Make records of inspections available to the director of the department of labor and industries if requested."

- First bullet-second subbullet: Changed to an exemption that reads:

"Exemption: Most stored pressure extinguishers do not require an internal examination. Examples of those that do require an internal examination are those containing a loaded stream agent."

~~"Stored pressure extinguishers do not require an internal examination."~~

- Added an exemption that reads:

"Exemptions: Dry chemical extinguishers that have non-refillable disposable containers are exempt from this requirement. Manually pressurized pumptanks are exempt from this requirement."

- Fourth bullet - second subbullet: Added a title to the table that reads: "the Hydrostatic Test Table."
- Sixth bullet: Replace the word "requirements" with "rules regarding" and replace the word "director" with "department."
- Last bullet became an exemption that read:

~~"Dry chemical extinguishers that have non-refillable disposable containers are exempt from requirement."~~
- Titled the table "Hydrostatic Test Table."
- Added a note after the hydrostatic test table that reads:

"Note: Stored pressure water extinguishers with fiber glass shell (pre-1976) are prohibited from hydrostatic testing due to manufacturer's recall."

WAC 296-800-30025 Train your employees to use portable fire extinguishers.

- This section now reads:

"You must:

- Train your employees where you have provided portable fire extinguisher for their use in:
 - The hazards involved with incipient stage fire fighting (the early stage of a fire when it can be extinguished by a portable fire extinguisher)
 - The general principles of fire extinguisher use
- Provide the training when they are first hired and then annually.

WAC 296-800-310 Exit routes and employee alarm systems.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).
- Added a note that reads:

"Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book."

- Deleted note:

~~"Fire safety codes for cities and counties in the state of Washington may be more restrictive than the rules in this section. Call your local fire department for more information about the fire safety codes in your area."~~

WAC 296-800-31005 Provide an adequate number of exit routes.

- First bullet: Added parenthesis.

WAC 296-800-31010 Make sure that exit routes are large enough.

- Third bullet: Incorporated this language from WAC 296-800-31015 into this section that reads:
 - Make sure an exit route is at least 6 feet 8 inches high at all points.
 - Make sure objects that stick out into the exit route, such as fans hanging from the ceiling or cabinets on walls, do not reduce the minimum height and width of the exit route.
 - Make sure exit routes are at least 28 inches wide at all points between any handrails.
 - If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.

WAC 296-800-31015 Make sure that exit routes meet their specific design and construction requirements.

- Third bullet: Added the words "through a fire wall."
- Sixth bullet was incorporated into WAC 296-800-31010:
 - ~~Make sure an exit route is at least 6 feet 8 inches high at all points.~~
~~Make sure objects that stick out into the exit route, such as fans hanging from the ceiling or cabinets on walls, do not reduce the minimum height and width of the exit route.~~
 - ~~Make sure exit routes are at least 28 inches wide at all points between any handrails.~~
~~If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.~~
- Sixth bullet: Incorporated from WAC 296-800-31025 that reads:

"Make sure employees are provided with stairs or a ramp, if the exit route is not substantially level."

WAC 296-800-31025 Provide unobstructed access to exit routes.

- First bullet: Numbered (1).
- Second bullet: Numbered (2).
- Third bullet was incorporated into WAC 296-800-31015 that read:
 - ~~"Make sure employees use stairs or a ramp if the exit route is not substantially level."~~

WAC 296-800-31040 Provide outdoor exit routes that meet requirements.

- First bullet: Deleted the words "to these requirements."

WAC 296-800-31045 Minimize danger to employees while they are using emergency exit routes.

- Third bullet: Deleted the words "Exit routes must."

WAC 296-800-31050 Mark exits adequately.

- Fourth bullet: Added the words "and clearly indicated the direction of travel."
- Fifth bullet: Replace language with:
 - "Not obstruct or conceal exit signs in anyway."
 - ~~"Make sure decorations, furnishings, or equipment do not obscure or cover up the exit sign."~~

WAC 296-800-31067 Provide doors, in freezer or refrigerated rooms that open from the inside.

- Title: Added the word "the" to the title. It reads:
 - "Provide doors, in freezer or refrigerated rooms that open from the inside."

WAC 296-800-31070 Install and maintain an appropriate employee alarm system.

- Title: Replaced the word "operable" with "appropriate." It reads:
 - "Install and maintain an ~~operable~~ appropriate employee alarm system."
- Third bullet - Sixth dash: Replaced the word "alerting" with "Able to alert."
- Third bullet - Tenth dash: This now reads,
 - ~~"Having a distinctive signal to warn~~ Warning employees of fire or other emergencies, with a distinctive signal if they are not able to see or smell a fire or other hazard."
- Third bullet - Eleventh dash: Deleted the word "Have."
- Third bullet - Twelfth dash: Replaced "Use" with "Using."
- Third bullet - Thirteenth dash: Replaced "Have" with "Supplied with."
- Third bullet - Fourteenth dash: Deleted the word "Are."
- Third bullet - Fifteenth dash: Replace the word "Have" with "supplied with a."

WAC 296-800-320 Accident reporting and investigating.

- Clarified language for consistency within the rule (matched titles of rules with the summary page).
- Note now reads:
 - ~~"After handling medical emergencies,~~ Call the nearest office of the department of labor and industries at 1-800-4BE-SAFE or call OSHA (Occupational Safety and Health Administration) at 1-800-321-6742, to report the incident death, probable death of any employee or the in-patient hospitalization of 2 or more employees within 8 hours, after handling medical emergencies."

WAC 296-800-32005 Report the death, ~~or~~ probable death of any employee, or in-patient hospitalization of 2 or more employees within 8 hours.

- This section was proposed as WAC 296-800-32010.
- Deleted "Report the death or probable death of any employee, or the in-patient hospitalization of 2 or more employees with 8 hours."
- First bullet: Add the words "at 1-800-4BE SAFE (24 hours)." Replace the words "you can make a report to" with "contact." Deleted "(24 hours)."
- First bullet - Third dash: Replaced the words "sent to the" with "admitted to the."

WAC 296-800-32010 Make sure that any equipment involved in an accident is not moved.

- This section was proposed as WAC 296-800-32005.

WAC 296-800-32020 Conduct ~~the~~ a preliminary investigation for all serious injuries.

- Title now reads:
 - ~~"Assign people to~~ Conduct a preliminary investigation for all serious injuries."
- First bullet now reads:
 - "Make sure your preliminary investigation is conducted to evaluate the facts relating to the cause of the incident by the following people:"
- First bullet - Fifth dash reads:
 - ~~"Any other person who has the experience and skills to evaluate the facts relating to the cause of the incident."~~

- This section now has the requirements from WAC 296-800-32025.

WAC 296-800-32025 Conduct a preliminary investigation.

- This section was incorporated into WAC 296-800-32020. This section now has the title and requirements from WAC 296-800-32030.

WAC 296-800-32030 Document investigation findings.

- This section was moved to WAC 296-800-32025. This WAC number is deleted.

WAC 296-800-330 Releasing accident investigation reports.

- Grammatical errors corrected.

WAC 296-800-350 WISHA appeals, penalties, and other procedural rules.

- WAC 296-800-350 through 296-800-35084 were reorganized and reads as follows:

"Your Responsibility:

This section describes actions WISHA takes during or after inspections, and your related obligation and rights. You must follow posting requirements and notify your employees of the information listed in these rules, as indicated.

You must:

WISHA INSPECTIONS AND CITATIONS

Types of workplace inspections

WAC 296-800-35002

Scheduling inspections

WAC 296-800-35004

Inspection techniques

WAC 296-800-35006

Response to complaints submitted by employees or their representatives

WAC 296-800-35008

Citations mailed after an inspection

WAC 296-800-35010

Employees (or their representatives) can request a citation and notice

WAC 296-800-35012

Posting a citation and notice and employee complaint information

WAC 296-800-35016

CIVIL PENALTIES FOR VIOLATING WISHA REQUIRE-

MENTS

Reasons to assess civil penalties

WAC 296-800-35018

Minimum penalties

WAC 296-800-35020

HOW CIVIL PENALTIES ARE CALCULATED

Base penalty calculations - severity and probability

WAC 296-800-35022

Severity rate determination

WAC 296-800-35024

Probability rate determination

WAC 296-800-35026

Determining the gravity of a violation

WAC 296-800-35028

Base penalty adjustments

WAC 296-800-35030

Types of base penalty adjustments

WAC 296-800-35032

Maximum base penalty amount

WAC 296-800-35038

Reasons for increasing civil penalty amounts

WAC 296-800-35040

CERTIFY THAT VIOLATIONS HAVE BEEN ABATED

Employers must certify that violations have been abated

WAC 296-800-35042

For willful, repeated, or serious violations, submit additional documentation

WAC 296-800-35044

Submitting correction action plans

WAC 296-800-35046

Submit progress reports to the department, when required

WAC 296-800-35048

WISHA determines the date by which abatement documents must be submitted

WAC 296-800-35049

Inform affected employees and their representatives of abatement actions you have taken

WAC 296-800-35050

Tag cited moveable equipment to warn employees of a hazard

WAC 296-800-35052

REQUESTING MORE TIME TO COMPLY

You can request more time to comply

WAC 296-800-35056

WISHA's response to your request for more time

WAC 296-800-35062

Post the department's response

WAC 296-800-35063

A hearing can be requested about the department's response

WAC 296-800-35064

Post the department's hearing notice

WAC 296-800-35065

Hearing procedures

WAC 296-800-35066

Post the hearing decision

WAC 296-800-35072

REQUESTING AN APPEAL OF WISHA CITATIONS AND CORRECTIVE NOTICES

Employers and employees can request an appeal of a citation and notice

WAC 296-800-35076

Await the department's response to your appeal request

WAC 296-800-35078

Department actions when reassuming jurisdiction over an appeal

WAC 296-800-35080

Appealing a corrective notice

WAC 296-800-35082

Notify employees

WAC 296-800-35084

WISHA INSPECTIONS AND CITATIONS**WAC 296-800-35002 Types of workplace inspections.**

- WISHA conducts the following types of inspections:
 - **Programmed inspections of hazardous workplaces.** WISHA identifies hazardous workplaces using objective criteria and inspection-scheduling systems that may look at any of the following factors:
 - Type of industry
 - Available data of injuries and illnesses where an inspection might eliminate the hazards causing them
 - Employer's industrial insurance experience
 - Number, type, and toxicity of contaminants in the workplace
 - Degree of exposure to hazards
 - Number of employees exposed
 - Other factors, such as history of employee complaints

WISHA periodically reviews the scheduling systems and may adjust the factors used and/or the weight given to each factor
 - **Routine programmed inspections** in the following high hazard industries:
 - Agriculture
 - Asbestos renovation and demolition
 - Construction
 - Electrical utilities and communications
 - Logging
 - Maritime
 - **Unprogrammed inspections** of workplaces that may be in violation of WISHA safety or health rules or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. Unprogrammed inspections may result because of:
 - Complaints from employees, former employees, or employee representatives who believe they have been exposed to a hazard because of a violation
 - Referrals from anyone who reasonably believes that workers under WISHA jurisdiction are being or have been exposed to a hazard because of a violation
 - **Workplace deaths and serious injuries or illnesses investigations** to determine if they were caused by a violation of safety and health rules or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. WISHA may also initiate comprehensive inspections based on such investigations
 - **Imminent danger of serious injury or death inspections** when there is a reason to believe that employees may be in imminent danger of serious injury or death
 - **Follow-up inspections** at later dates to verify that you have corrected any hazards identified in a citation

WAC 296-800-35004 Scheduling inspections.

- WISHA distributes staff performing inspections as efficiently as possible to ensure maximum protection for workers.

WAC 296-800-35006 Inspection techniques.

- During an inspection, WISHA staff may:
 - Take samples, photographs, videotapes, or audiotapes
 - Conduct tests
 - Ask employees to wear sampling devices
 - Conduct interviews
 - Privately question, on or off the worksite, any:
 - Employer
 - Employer representative
 - Owner
 - Operator
 - Employee
 - Employee representative
 - Employ any other reasonable investigative techniques

WAC 296-800-35008 Response to complaints submitted by employees or their representatives.

- When an employee or their representative has filed a complaint, WISHA will:
 - Remove the name of the person submitting the complaint and the names of any employees identified in the complaint before giving a copy of the complaint to an employer, unless the person filing the complaint gives WISHA written permission to release the names involved
 - Give a copy of the citation and notice to the employee (or their representative) who submitted the complaint, or explain to them why an inspection was not conducted
 - Review any department decision refusing to inspect or cite violations alleged in a complaint, if requested in writing
 - Notify the person in writing of the review results. If the person requesting the review is not satisfied with the results, they may request a second review by the department

WAC 296-800-35010 Citations mailed after an inspection.

- After an inspection or an investigation, WISHA will mail a citation to you within 6 months following the inspection or investigation
- The citation will include
 - A description of any violations found
 - The amount and type of assessed penalties
 - The length of time given to correct the violations
- If no violations are found, WISHA will normally send you a citation and notice indicating that no violations were found

Note:

- Copies of WISHA Safety and Health Inspection Reports can be requested. The request should be mailed to:

DEPARTMENT OF LABOR AND INDUSTRIES
PUBLIC DISCLOSURE UNIT
BOX 44632
OLYMPIA WA 98504-4632

- You can also contact your local Labor and Industries field office for information on requesting copies of inspection reports (see the resources section of this book).

WAC 296-800-35012 Employees (or their representatives) can request a citation and notice.

- Employees or their representatives may request copies of citation and notices issued to the employer
- Complete the Request for Copy of Citation and Notice form, and mail it to:
 DEPARTMENT OF LABOR AND INDUSTRIES
 STANDARDS AND INFORMATION
 BOX 44638
 OLYMPIA WA 98504-4638

Note:

To obtain a copy of the Request for copy of Citation and Notice form, call 360-902-5534, or contact your local Labor and Industries office (see the Resources section for a complete list of the offices).

- If you submit this form, you will receive all citation and notices issued to that employer for the next 12 months.
- When the department approves the request for a copy of a citation and notice, WISHA will indicate the date the application is approved, and the date it expires. Once approved, your application is valid for one year. Once expired, a one-year extension may be requested.
- You can waive the one-year period when you make your initial request.
- If more than one employee representative requests a copy of the same citation and notice, the department may decide which person will receive the copy of the citation and notice.

Note: The department can deny requests for copies of citation and notices if the person filing the request is not an employee representative.

WAC 296-800-35016 Posting a citation and notice & employee complaint information.

You must:

- Immediately notify your employees of a citation and notice by posting them and/or any correspondence related to an employee complaint on the safety bulletin board for 3 working days, or until all violations have been corrected, whichever is longer.
- Use any other appropriate means to notify employees who cannot receive notices posed on the safety bulletin board; for example, a copy to authorized employee representatives or the safety committee, or copies sent electronically.

CIVIL PENALTIES FOR VIOLATING WISHA REQUIREMENTS

WAC 296-800-35018 Reasons to assess civil penalties.

- WISHA may assess civil penalties when a citation and notice is issued for any violation of health and safety rules, or statutes found during an inspection.
- WISHA will assess civil penalties:
 - When a citation for a serious violation is issued.
 - Under other circumstances specified by statute (such as RCW 49.17.180, 49.26.016, 49.17.177, 49.70.190).

- Civil penalties promote compliance, encouraging employers to correct violations before an inspection takes place and avoiding the risk of receiving a penalty assessment. Civil penalties help promote a level playing field for employers complying with the rules by assessing penalties for those who do not comply.

WAC 296-800-35020 Minimum penalties.

- The minimum penalty amounts assessed by WISHA are:
 - \$100 for any penalty
 - \$5,000 per violation for all willful violations

HOW CIVIL PENALTIES ARE CALCULATED

WAC 296-800-35022 Base penalty calculations—Severity and probability.

- Except for specific penalty amounts that are dictated by statute, WISHA calculates the base civil penalty for a violation by evaluating:
 - The severity of the injury, illness, or disease that could result from the alleged hazard
 - The probability that an injury, illness, or disease could occur as a result of the alleged hazard

WAC 296-800-35024 Severity rate determination.

- Severity describes how serious an injury, illness, or disease might be because of a hazardous condition. Severity ratings are based on the most serious injury, illness, or disease that could be reasonably expected to occur because of a hazardous condition (see Table 1).
- Severity ratings are expressed in whole numbers and range from 1 (lowest) to 6 (highest). A violation with a severity rating of 4, 5, or 6 is considered to be a serious violation.

Table 1: Severity Ratings

Severity	Most serious injury, illness, or disease likely to result in:
6	Death from injury, illness or disease; injuries involving permanent severe disability; chronic, irreversible illness.
5	Permanent disability of a limited or less severe nature, injuries or reversible illnesses resulting in hospitalization.
4	Injuries or temporary, reversible illnesses resulting in serious physical harm (but less than 5 or 6 above) and may require removal from exposure or supportive treatment without hospitalization for recovery.
3	Injuries or illness would probably not cause death or serious physical harm, but violations have at least major impact and an indirect relationship to serious injury, illness or disease. Violations could have direct and immediate relationship to safety and health of employees. No need for medical treatment beyond first aid.

PERMANENT

- 2 Nonserious or general violations of minor impact, including violations that have an indirect relationship to nonserious injury, illness or disease. No injury, illness or disease without additional violations.

- 1 No injury, and not likely to result in injury in the presence of other violations.

WAC 296-800-35026 Probability rate determination.

- Probability refers to the likelihood of an injury, illness or disease occurring, and is expressed in whole numbers ranging from 1 (lowest) to 6 (highest). Probability does not change severity.
- When determining probability, WISHA considers the number of employees affected and other factors, depending on the situation. Other factors may include
 - Frequency of employee exposure
 - Instances (number of times the same violation occurs in the workplace)
 - How close an employee is to the hazard
 - Weather and other working conditions
 - Employee skill level
 - Employee awareness of the hazard
 - The pace, speed, and nature of the task or work
 - Use of personal protective equipment
 - Amount of exposure (for health violations)
 - Other mitigating or contributing circumstances

WAC 296-800-35028 Determining the gravity of a violation.

- WISHA calculates most base penalties by assigning a weight to a violation. This weight is called "gravity." Gravity is calculated by multiplying a violation's severity by its probability. Expressed as a formula, gravity is:

Gravity = Severity x Probability

- Unless a particular rule establishes penalty amounts for specific violations, WISHA uses Table 2 to determine the dollar amount for each base penalty

Table 2: Penalty Amount Using Gravity

Gravity	Base Penalty
1	\$100
2	\$200
3	\$300
4	\$400
5	\$500
6	\$1000
8	\$1500
9	\$2000
10	\$2500
12	\$3000
15	\$3500
16	\$4000
18	\$4500
20	\$5000

24	\$5500
25	\$6000
30	\$6500
36	\$7000

WAC 296-800-35030 Base penalty adjustments.

- WISHA may adjust an employee's base penalty amount because of the employer's good faith effort, size, and compliance history. No adjustments are made to penalty amounts specified by statute

WAC 296-800-35032 Types of base penalty adjustments.

Employer's Good Faith

- An employer's good faith effort (or lack of) may justify increasing or decreasing a base penalty. No single factor determines good faith. Good faith is a reflection of an employer's:
 - Effort before an inspection to provide a safe and healthful workplace for employees
 - Effort to comply with a standard they have violated
 - Cooperation during an inspection that is measured by a desire to comply with the cited standard and immediately correct identified hazards
- WISHA uses Table 3 to adjust base penalty amounts because of good faith effort

Table 3: Good Faith Adjustments

Good Faith Rating	Adjustment to Base Penalty
Excellent	35% reduction
Good	20% reduction
Average	No adjustment
Poor	20% increase

Employer's Work Force Size

- WISHA may adjust base penalties due to the size of an employer's work force in the state of Washington by using Table 4:

Table 4: Size Adjustments

Number of Employees	Adjustment to Base Penalty
1-25	60% reduction
26-100	40% reduction
101-250	20% reduction
More than 250	No adjustment

Employer's Compliance History

- WISHA may adjust a base penalty based on an employer's history of safety and health violations in the state of Washington, using previous citations as well as injury and illness rates (see Table 5).

Table 5: History Adjustments

History Rating	Adjustment to Base Penalty
Good	10% reduction
Average	No adjustment
Poor	10% increase

WAC 296-800-35038 Maximum base penalty amount.

- The maximum penalty for a violation other than repeat, willful, egregious or failure-to-abate is \$7,000.

PERMANENT

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

- WISHA may increase civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

Repeat violations:

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

- The 3-year period is measured from the date of the final order for each previous citation

- The adjusted base penalty will be multiplied by the total number of inspections with violations (including the current inspection with a violation) involving similar hazards

- The maximum penalty cannot exceed \$70,000 for each violation

Willful violations:

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

- For all willful violations, the adjusted base penalty will be multiplied by 10

- All willful violations will receive at least the statutory minimum penalty of \$5,000

- The maximum penalty cannot exceed \$70,000 for each violation

Egregious violations:

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule

Failure-to-abate violations:

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC 296-800-35200 through 296-800-35270)

- The maximum penalty cannot exceed \$7,000 for every day the violation is not corrected

- For a general violation with no initial penalty, the minimum failure-to-abate penalty is \$1,000, with a possible adjustment for the employer's effort to comply

- For violations with an initial penalty, WISHA, based on the facts at the time of reinspection:

- Will multiply the adjusted base penalty by 5, but may possibly make adjustments for the employer's effort to comply

- May multiply the adjusted base penalty by the number of days past the correction date if the employer does not make an effort to comply

CERTIFY THAT VIOLATIONS HAVE BEEN ABATED

WAC 296-800-35042 Employers must certify that violations have been abated.

You must:

- Certify within 10 calendar days following the correction date that you have abated each violation, unless the compliance officer indicates in your citation and notice that you have corrected the violations. Include the following:

- Your name and address
- The inspection number your written statement applies to
- The citation and item numbers your written statement applies to
- The date and method you used to abate each violation
- That you informed your affected employees and their representatives that each violation was corrected
- That the information you submitted is accurate
- Your signature or the signature of your authorized representative

WAC 296-800-35044 For willful, repeated, or serious violations, submit additional documentation.

You must:

- Submit additional documentation for each willful or repeated violation supporting that abatement is completed. This documentation may include, but is not limited to:
 - Evidence of the purchase, or repair, of equipment
 - Photographic or video evidence of corrections
 - Other written records
- Submit additional documentation for a serious violation, when required by the citation and notice.

WAC 296-800-35046 Submitting correction action plans.

You must:

- Submit a correction action plan within 25 calendar days from the final order date if the citation and notice requires it. Your plan must:
 - Identify the violation
 - List the steps you will take to correct the violation
 - Include a schedule to complete the steps
 - Describe how employees will be protected until the corrections are completed

Note:

- The department will notify you in writing if there is anything inadequate about your plan and will work out the problems.
- When determining if required documents are submitted on time, the department looks at the postmark date for documents sent by standard mail and the date received by other means, such as personal delivery or fax.

WAC 296-800-35048 Submit progress reports to the department when required.

You must:

- Submit progress reports on the abatement if the citation and notice requires it, and briefly state (a single sentence is normally adequate for each violation):
 - The action taken to abate each violation
 - The date each action was taken

Note:

If progress reports are required, the citation and notice will include:

- The items for which periodic progress reports are required,
- The date when an initial progress report must be submitted (no sooner than 30 calendar days after you submit a correction plan),

PERMANENT

- Whether additional progress reports are required, and
- The date(s) on which additional progress reports must be submitted.

WAC 296-800-35049 WISHA determines the date by which abatement documents must be submitted.

- When determining if required documents are submitted on time, the department looks at:
 - Date of postmark for documents sent by mail
 - Date the department receives the documents, if transmitted by a means other than mail

WAC 296-800-35050 Inform affected employees and their representatives of abatement actions you have taken. You must:

- Post a copy of each abatement action document you submit to the department (or a summary) near the place where the violations occurred, if practical.
- Do the following if posting near the violation site is not practical, such as with a mobile work operation:
 - Post each document (or a summary) in a location that is readily accessible by affected employees and their representatives
 - Take other steps to fully communicate abatement actions to affected employees and their representatives
- Make sure that:
 - Notice is given to your employees and their representatives on or before the date you submit abatement information to the department
 - All abatement documents remain posted for at least 3 working days after they are submitted to the department
 - All posted abatement documents are not altered, defaced, or covered by other materials
- Inform employees and their representatives of their right to examine and copy all abatement documents you submit to the department. If they ask to examine or copy your documents within 3 working days of receiving notice that you submitted them to the department, you have 5 days to comply with their request after receiving it.

WAC 296-800-35052 Tag cited moveable equipment to warn employees of a hazard.

You must:

- Tag cited moveable equipment to warn employees of a hazard if it has not been abated.
 - Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component:
 - For hand-held equipment, tag it immediately after you receive a citation
 - For other equipment, tag it before moving it within the worksite or between worksites
- The tag should properly warn employees about the nature of the violation and tells them where the citation is posted (see the helpful tools section for a sample tag that can be used to meet this requirement)
- Make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other materials

- Make sure that the tag or copy of the citation attached to movable equipment remains attached until:

- You have abated the violation and submitted all abatement certification documents required by the department
- You have permanently removed the cited equipment from service
- You no longer have control over the cited equipment
- A final order sets aside the violation

Note:

Chapter 296-155 WAC, Safety standards for construction work and chapter 296-24 WAC, General safety and health standards have information on warning tags. You can use warning tags that meet the requirements in those rules instead of the warning tags required by this rule.

REQUESTING MORE TIME TO COMPLY

WAC 296-800-35056 You can request more time to comply.

- You can request more time to comply if you:
 - Have made a good faith effort to comply with a citation's abatement requirements
 - Have not completed your abatement because of factors beyond your control
- Requests for more time must:
 - Be submitted in writing by you or your representative, and include:
 - The name of your business
 - The address of the workplace(s)
 - Identification of the citation and the abatement date(s) you want extended
 - The new abatement date and length of abatement period you are seeking
 - A description of the actions you have taken to comply with the abatement date(s) in the citation
 - Identification of the factors beyond your control that are preventing you from complying with the abatement date(s)
 - The means you will use to protect your employees during the time you are abating the violation.
 - Be received before midnight of the date you are asking to be extended
- The department may accept late requests if they are:
 - Received within 5 days following the applicable correction date.
 - Accompanied by your written statement explaining the exceptional circumstances that caused the delay.

Note:

The department does not accept late requests when compliance activity related to the abatement starts before the request is received.

- The department accepts requests by:

PERMANENT

- First class mail postage prepaid. Mailed to:
Department of Labor and Industries
WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604
- Personal delivery
- Fax: (360) 902-5581

WAC 296-800-35062 WISHA's response to your request for more time.

- Within 5 working days of receiving your request for more time to comply, the assistant director must make a decision to approve or deny it. Before making a decision, the assistant director may conduct an investigation. Once made, the decision remains in effect unless a hearing is requested.
- The assistant director must issue the following 3 notices (which can be combined into one):
 - A notice verifying that your request was received, including the correction dates listed in your citation.
 - A notice of your right to request a hearing on the decision and
 - A notice announcing their decision.
- ◆ These notices must:
 - Be signed by the assistant director,
 - Contain the date they were issued, and
 - Include the address to which a hearing request may be sent.

WAC 296-800-35063 Post the department's response.

You must:

- Post notices with the citation for which you are requesting additional abatement time immediately upon receipt. The notices must remain posted until:
 - The abatement date has passed or
 - A hearing notice is posted.

WAC 296-800-35064 A hearing can be requested about the department's response.

- You, your affected employees or their authorized representative, may request a hearing if they disagree with the department's response to a request for more time to comply.
- All hearing requests must be sent or delivered to the assistant director and be received at the address identified in the notice of your right to request a hearing no later than 10 calendar days after the issue date of the notice.
- Upon receiving a hearing request, the assistant director will issue a notice of hearing to the requesting party and the employer at least 20 days before the hearing date. The hearing notice will:
 - state that all interested parties can participate in the hearing
 - set the time and date, including:
 - ◆ The time, place, and nature of the proceeding
 - ◆ The legal authority and jurisdiction under which the hearing will be held
 - ◆ A reference to the particular sections of the statute and rules involved
 - ◆ A short and clear explanation why a hearing was requested.

- The employer must post the department's hearing notice or a complete copy until the hearing is held. This includes the:
 - Citation containing the correction date for which more time was requested.
 - Department notices issued in response to the employer's request for more time.

WAC 296-800-35065 Post the department's hearing notice. You must:

- Post the department's hearing notice or a complete copy until the hearing is held. This includes the:
 - Citation containing the correction date for which more time was requested
 - Department notices issued in response to the employer's request for more time

WAC 296-800-35066 Hearing procedures.

- The assistant director for WISHA services will appoint someone from the department to act as a hearings officer.
- The hearings officer must be present at, and conduct, the hearing. An assistant attorney general may be present to give legal advice to the hearings officer.
- If the hearings officer requests, the assistant attorney general may conduct the hearing.
- The hearings officer may discuss the material to be presented to determine how the hearing will proceed.
- The hearing must be conducted according to the Administrative Procedure Act recorded. Copies of hearing transcripts will be available to the parties, at cost, upon request.

WAC 296-800-35072 Post the hearing decision.

- After the hearing, the assistant director will issue an order:
 - Affirming or modifying the correction date that caused the hearing
- AND
- Complying with the provisions of the Administrative Procedure Act, chapter 34.05 RCW and the practice and procedure rules, chapter 296-08 WAC.

You must:

- Post a complete, unedited copy of this decision, along with the citation to which it applies, as soon as it is received.

REQUESTING AN APPEAL OF WISHA

CITATIONS AND CORRECTIVE NOTICES

WAC 296-800-35076 Employers and employees can request an appeal of a citation and notice.

EMPLOYER REQUESTS

- Any employer cited for a violation of WISHA safety and health rules may appeal a citation or corrective notice.
- Your request must include:
 - Business name, address, telephone number; and the name, address and telephone number of any person representing you.
 - Citation number.
 - What you think is wrong with the citation or corrective notice and any related facts.

-What you think should be changed, and why.

EMPLOYEE REQUESTS

Any employee or employee representative who could be affected by a citation or its correction may appeal the abatement date in the citation or corrective notice.

Your request must include:

- Your name, address, telephone number, and the name, address and telephone number of any person representing you
- Citation number

- What you think is wrong with the abatement date

All appeal requests must be in writing and submitted to the department within 15 working days after receiving the citation corrective notice. If you mail your request, the postmark is considered the submission date.

All requests must be:

- Mailed to:
Department of Labor and Industries
WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4606
or
- Faxed to: (360) 902-5581
or
- Brought to any department service location

WAC 296-800-35078 Await the department's response to your appeal request.

When an appeal request is received, the department decides whether to reassume jurisdiction over the citation and notice being appealed or forward the appeal to the Board of Industrial Insurance Appeals. The department will notify the person who submitted the appeal when the department reassumes jurisdiction.

Definition: Reassume jurisdiction means that the department has decided to hear the appeal.

The department may reassume jurisdiction to:

- Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference
- Give an employer, affected employees and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases
- Educate employers about the citation and notice, the WISHA appeals process, and WISHA compliance
- Review citations, penalties, and correction dates for fairness and accuracy to ensure quality work by the department

If the department does not reassume jurisdiction, it will send the appeal to the Board of Industrial Insurance Appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.

WAC 296-800-35080 Department actions when reassuming jurisdiction over an appeal.

The department has 30 working days after receipt of the appeal to review it, gather more information and decide whether to make changes to the citation and notice. The 30 working days begin with the first working day after the appeal is received. For example, if an appeal

is received on Friday, the 30 days will begin on the following Monday unless it is a state holiday.

- The department may extend the appeal review period up to an additional 15 working days if everyone involved agrees to the extension.
- During the review period, the department will hold an informal conference about the appeal.

- An informal conference is not an evidentiary hearing. It is an opportunity for interested parties to briefly explain their positions and provide any additional information they would like the department to consider when reviewing the citation and notice.

- Although informal, the conference is an official conference and the department may record all or part of it. The department will tell participants when the conference will be recorded.
- After the review period, the department will issue a corrective notice reflecting any changes made to the citation and notice. This notice will be sent to the employer and any employee representatives participating in the appeal process.

WAC 296-800-35082 Appealing a corrective notice.

- Anyone who can appeal a citation and notice may appeal a corrective notice. All corrective notice appeals must be submitted within 15 working days after the notice was received.

WAC 296-800-35084 Notify employees.

You must:

- Immediately post all correspondence from the department in a conspicuous place after submitting an appeal. This correspondence includes:
 - The notice of appeal
 - The notice explaining that the department reassumed jurisdiction over the citation and notice
 - Any extensions to the review period
 - The notice for an informal conference
 - Corrective notices
- Post all notices and information related to the appeal in the place where WISHA citations and notices are posted (see WAC 296-800-35150). These include:
 - A notice of appeal until the appeal is resolved
 - Notices about the department reassuming jurisdiction and any extension of the review period until the end of review period
 - A notice of an informal conference until after the conference is held
 - Corrective notices for as long as citations and notices must be posted
 - Requesting alternate means of compliance with WISHA rules.

Note: If you wish to develop an alternate means of compliance with WISHA rules, you may do so by following the instructions in WAC 296-350-700 Variances from WISHA rules.

- In certain circumstances, the department allows an employer to vary from a specific WISHA safety and health standard if the employer uses department-approved substitute measures to protect employees. The substitute measure must provide at least the same

protection from work place hazards as provided by the WISHA standard.

WAC 296-800-370 Definitions.

- The following definitions were removed:

Board, correction, label, lighting outlet, safety and health standard, suitable, threshold limit values (TLVs), wet process, willful violation, WISHA poster.

- The following definitions were added:

Abatement date, failure-to-abate, floor hole, floor opening, OSHA, toilet.

- This section now reads:

Note: The first time a defined word is used on a page in the Safety and Health Core Rules it is italicized and bolded.

Abatement date.

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable.

The term acceptable used ~~As used~~ in electrical, WAC 296-800-280 means an installation or equipment is acceptable to the director of labor and industries, and approved:

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or
- With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 C.F.R. 1910.7 for definition of nationally recognized testing laboratory.

Accepted. The term accepted ~~As used~~ in electrical, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access. The term access ~~As used~~ in material safety data sheets (MSDSs) as exposure records, WAC 296-800-180 means the right and opportunity to examine and copy exposure records.

Affected employees. ~~Affected employees are~~ Employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records.

- An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:
 - Partial or complete information from individual employee exposure or medical records or
 - Information collected from health insurance claim records
- The analysis is not final until it has been:
 - Reported to the employer or
 - Completed by the person responsible for the analysis

ANSI. This is an acronym for the American National Standards Institute.

Approved. ~~The term approved means:~~

- Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).
- As used in Electrical, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director. ~~Assistant director means~~ The assistant director for the WISHA services division at the department of labor and industries.

ASTM. This is an acronym for American Society for Testing and Materials.

Attachment plug or plug. ~~An attachment plug;~~ Is the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor. ~~A bare conductor is~~ A conductor that does not have any covering or insulation.

Bathroom. A room maintained within or on the premises of any place of employment, contained toilets for use by employees.

Board. ~~Board means~~ The board of industrial insurance appeals.

Certification. ~~Certification~~ Refers to an employer's written statement describing when and how a citation violation was corrected.

C.F.R. This is an acronym for Code of Federal Regulations.

Chemical. ~~A chemical is~~ Any element, chemical compound, or mixture of elements and/or compounds.

Chemical manufacturer. An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name. The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)

- The Chemical Abstracts Service (CAS) rules of nomenclature

OR

- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker. ~~A circuit breaker is:~~

- Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)
- Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (over 600 volts nominal)

Citation. ~~Citation~~ Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Combustible liquid. A combustible liquid has a flash-point of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flash-points of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account. ~~A commercial account is~~ An arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name. ~~A common name is~~ Any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas. ~~Compressed gas is~~ A gas or mixture of gases that, when in a container, has have an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)
- OR
- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor. ~~A conductor is~~ A wire that transfers electric power.

Container. ~~This term describes~~ Any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum

- Reaction vessel
- Storage tank

Correction date. ~~Correction date means~~ The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Abatement action plans. Refers to your written plans for correcting a WISHA violation.

Corrective notice. ~~Corrective notice~~ Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Covered conductor. ~~A covered conductor is~~ A conductor that is covered by something else besides electrical insulation.

Damp location. ~~Damp locations are~~ Partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department. ~~Department means~~ Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative. ~~A designated representative is:~~

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Director. The director means the director of the department of labor and industries or their designee.

Distributor. A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-62-054 for requirements dealing with Manufacturers, Distributors and Importers - Hazard Communication.

Documentation. ~~Documentation means~~ Material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location. ~~Dry locations are~~ Areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Electrical outlets. ~~Electrical outlets are~~ Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee. The term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

PERMANENT

Employee exposure record. ~~An employee exposure record is~~ A record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;
- Material safety data sheets indicating that the material may pose a hazard to human health;

OR

- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

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

Exit. ~~An exit~~ Provides a way of travel out of the workplace.

Exit route. ~~An exit route is~~ A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive. ~~An explosive is~~ A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts. ~~Exposed live parts are~~ Electrical parts that are:

- Not suitably guarded, isolated, or insulated
- AND
- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods. ~~Exposed wiring methods~~ Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed. ~~The terms exposure and exposed mean that~~ As used in employer chemical hazard communication, WAC 296-800-170, an employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals,

toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The term's exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated

OR

- Present

Extension ladder. ~~An extension ladder is~~ A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate. Any violation(s) resulting from you not complying with an abatement date.

Final order. ~~Final order means~~ Any of the following unless an employer or other party files a timely appeal:

- Citation and notice;
- Corrective notice;
- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date. ~~Final order date means~~ The date a final order is issued.

First aid. ~~First aid means~~ The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit. Tests, such as X-rays, must not be confused with treatment. For example, an employee thought he broke his arm and went to the hospital to get X-rays. If the X-rays show no broken bones, they are not considered first aid. On the other hand, if they do show a broken bone, they would be considered medical treatment.

Flammable. ~~Flammable means~~ A chemical covered by one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 C.F.R. 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;
- Gas, flammable means:
 - A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less; or
 - A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit;

- Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.

- Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 C.F.R. 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 C.F.R. 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint.

- The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

- Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or
- Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or
- Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables. ~~Flexible cords and cables are~~ Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cord, cables and electrical cords are all examples of flexible cord.

Floor hole. An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

Floor opening. An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are NOT considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers

Foreseeable emergency. ~~A foreseeable emergency is~~ Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Ground. ~~A ground~~ As used in electrical, WAC 296-800-280, means a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded. ~~The term grounded means~~ A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor. ~~A grounded conductor is~~ A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter. ~~A ground fault circuit interrupter is~~ A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor. ~~A grounding conductor~~ Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment. ~~An equipment grounding conductor is~~ A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded. ~~The term guarded means~~ Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Handrail. ~~A handrail is~~ A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent. ~~A harmful physical agent is~~ Any chemical substance, biological agent (bacteria, virus, fungus, etc.), or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and nonionizing radiation, hypobaric or hyperbaric pressure, etc.) which:

- Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) (See Appendix B); or

- Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer; or
- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard. ~~A hazard is~~ Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning. ~~A hazard warning~~ Can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical. ~~A hazardous chemical is~~ Any chemical that is a physical or health hazard.

Health hazard. Any chemical with the potential to cause acute or chronic health effects in exposed employees. The potential must be statistically significant based on evidence from at least one study conducted under established scientific principles. Health hazards include:

- Chemicals which are carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins
- Nephrotoxins
- Neurotoxins
- Agents which act on the hematopoietic system
- Agents which damage the lungs, skin, eyes, or mucous membranes

Appendix A See WAC 296-62-054 for provides more definitions and explanations about the scope of health hazards covered by this part.

Appendix B See WAC 296-62-054 for describes the criteria to be used for determining whether or not a chemical is considered hazardous for purposes of this rule.

Hospitalization. ~~Hospitalization means~~ To be sent to, go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity. ~~Identity means~~ Any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation. ~~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 other-

wise provided by the Washington Industrial Safety and Health Act.

Importer. ~~An importer is~~ The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

See WAC 296-62-054 for requirements dealing with Manufacturers, Importer and Distributors - Hazard Communication.

Insulated. ~~Insulated means~~ A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver. ~~Interim waiver is~~ An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Label. A label is displayed or attached to containers of hazardous chemicals. It can be:

- Written
- Printed

OR

- Graphic material

Ladder. ~~A ladder~~ Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Lighting outlet. A lighting outlet is an outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord for a lampholder.

Listed. Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material safety data sheet (MSDS). ~~MSDS is~~ Written or printed material that tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment. For requirements for developing MSDSs.

Medical treatment. ~~Medical treatment is~~ Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mixture. ~~A mixture means~~ As used in employer chemical hazard communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment. As used in WAC 296-800-35052, ~~Movable equipment~~ A hand-held or nonhand-held machine or device;

- That is powered or nonpowered;

AND

- Can be moved within or between worksites

Must. Must means mandatory.

NEMA. These initials stand for National Electrical Manufacturing Association.

NFPA. This is an acronym for National Fire Protection Association.

Nose, nosing. ~~A nose is~~ The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA). Passed in 1970 by the U.S. Congress, the OSHA (Occupational Safety and Health) Act provides safety on the job for working men and women. OSHA oversees states (such as Washington) that have elected to administer their own safety and health program. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment. ~~Office work environment is~~ An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

- In addition, it includes:
 - Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
 - Office areas of manufacturing and production facilities, not including process areas.
 - Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser. A stair step with an air space between treads has an open riser.

Organic peroxide. This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet. See definition for electrical outlets.

Oxidizer. ~~An oxidizer is~~ A chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or C.F.R. 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs). PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:

- Permissible exposure limits - Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-work week and must not be exceeded.
- Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period must not be exceeded at any time during the working day.
- Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which must not be exceeded dur-

ing any part of the workday. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time weighted average exposure which must not be exceeded at any time over a working day.

- Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 C.F.R. Part 1910 Subpart Z and WAC 296-62-075, respectively).

Person. ~~See definition for employee. Person means~~ One or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons. (RCW 49.17.020)

Personal service room. ~~A personal service room is~~ Used for activities not directly connected with a business' production or service function such as:

~~Examples of personal service rooms include:~~

- ~~First-aid rooms~~
- ~~Medical services rooms~~
- ~~Dressing rooms~~
- ~~Showering rooms~~
- ~~Restrooms Bathrooms~~
- ~~Wash rooms Washing~~
- ~~Lunch rooms Eating~~

Personnel. See the definition for employees.

Physical hazard. ~~A physical hazard is~~ A chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive

Platform. Platform means an extended step or landing that breaks a continuous run of stairs.

Plug. See definition for attachment plug.

Potable water. Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 C.F.R. Part 141, and 40 C.F.R. 147.2400.

Predictable and regular basis. ~~The term predictable and regular basis means~~ Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- At least once every 2 weeks

OR

~~for a total of~~

- 4 man-hours or more during any sequential 4 week period (~~e.g., 2 employees once every 4 weeks for 2 hours = 4 hours per 4 week period~~) (to calculate man

PERMANENT

hours multiply the number of employees by the number of hours during a 4 week period).

Produce. ~~The term produce means~~ As used in employer chemical hazard communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser. ~~A purchaser is~~ As used in employer chemical hazard communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric. A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified. A person is qualified if they have one of the following:

- Extensive knowledge, training and experience about the subject matter, work or project
- A recognized degree, certificate, or professional standing
- Successfully demonstrated problem solving skills about the subject, work, or project

Railing or standard railing. ~~A railing, sometimes called standard railing, is the vertical barrier erected along the exposed sides of a stairway and platform to keep people from falling. The top surface of the stair railing is used as a handrail.~~ A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction. ~~The term reassume jurisdiction means that~~ The department has decided to take back its control over a citation and notice that has been appealed.

Receptacle or receptacle outlet. Outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record. A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- ~~Automated data processing~~
- Computer record

Repeat violation. ~~The term repeat violation is when~~ A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

Responsible party. ~~A responsible party is~~ As used in employer chemical hazard communication, WAC 296-800-170, someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise. ~~The rise of a stairstep is~~ The vertical distance from the top of a tread to the top of the next higher tread.

Riser. ~~A riser of a stairstep is~~ The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs. ~~Rungs are the round and oval cross pieces~~ cross pieces on ladders that are used to climb up and down the ladder.

Runway. ~~A runway is~~ An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor. The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Serious violation. Serious violation must 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.

Should. Should means recommended.

Single ladder. ~~A single ladder is~~ A type of portable ladder with one section.

It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted

Smoking. A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity. This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Stair railing. A ~~structure~~ vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail.

Stairs or stairway. ~~Stairs or stairways~~ A series of steps and landings:

- Leading from one level or floor to another,
- Leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers

Standard safeguard. ~~Standard safeguards are~~ Safety devices that prevent hazards by their attachment to:

- Machinery
- Appliances
- Tools
- Buildings
- Equipment

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials

The ~~department director of labor and industries~~ makes the final determination about whether a safeguard is sufficient for its use.

Step ladder. ~~A stepladder is~~ A portable ladder with the following qualities:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself
- Its length that cannot be adjusted

~~Threshold limit values (TLVs). TLVs refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV Time weighted average (TLV TWA), TLV Short term exposure limit (TLV STEL), TLV Ceiling (TLV Ceiling) and skin notation as stated in the most recent edition of the 'Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices' from the American Conference of Governmental Industrial Hygienists (ACGIH).~~

Toeboard. A toeboard is A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

Toilet. Means a fixture that flushes maintained within a bathroom for the purpose of defecation or urination or both.

Toxic substance. A toxic substance is Any:

- Chemical substance
- Biological agent (such as bacteria, virus, or fungus)
- Physical stress (such as noise, vibration, or repetitive motion)

A substance is toxic if:

- The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) lists the substance
- Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard
- A material safety data sheet kept by or known to the employer shows the material may be a hazard to human health

Trade secret. A trade secret is Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

~~You can find a legal definition of trade secret in See~~ WAC 296-62-053 for requirements dealing with trade secrets. WAC 296-62-05427, Appendix D, provides a legal

~~definition of trade secret. WAC 296-62-05417 sets out criteria to be used in evaluating trade secrets.~~

Tread. A tread is The horizontal part of the stair step.

Tread run. ~~The tread run is~~ The distance from the front of one stair tread to the front of an adjacent tread.

Tread width. ~~The width of a stair tread is~~ The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.). You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive). As used in employer chemical hazard communication, WAC 296-800-170, an unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Urinal. A urinal is A toilet in a men's bathroom that is designed and intended solely for urination.

Use. The term use As used in employer chemical hazard communication, WAC 296-800-170, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer

Voltage of a circuit. ~~The voltage of a circuit is~~ The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground. ~~The term voltage to grounds means~~ The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal. Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC. This is an acronym for Washington Administrative Code, which are rules developed to address state law.

Water-reactive. As used in employer chemical hazard communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight. ~~A container or enclosure into which moisture cannot enter~~ Constructed so that moisture will not enter the enclosure or container.

Weatherproof. ~~The term weatherproof means that weather will not interfere with the equipment's successful operation. The following types of equipment can fulfill the requirements for waterproof if wetness is not a factor: Rainproof, Raintight, Watertight.~~ Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can

fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location. ~~Wet locations are:~~

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids
- Unprotected locations exposed to the weather (like vehicle washing areas)

~~**Wet process.** A wet process is any process or operation that takes place in a workroom where surfaces that employees may walk or stand on would normally get wet.~~

~~**Willful violation.** Willful violation is one involving a voluntary action, done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s) in the Washington Administrative Code (WAC) rule(s).~~

WISHA. This is an acronym for the Washington Industrial Safety and Health Act.

~~**WISHA poster.** The WISHA poster is the job safety and health protection poster. You can order it by requesting form F416-081-000.~~

~~**Workdays.** Workdays mean weekdays that do not fall on state holidays. State holidays include: New Year's Day; Martin Luther King, Jr. Day; Presidents' Day; Memorial Day; Independence Day; Labor Day; Veterans' Day; Thanksgiving Day; and Christmas Day—December 25.~~

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

Worker. See the definition for employee.

Workplace.

- The term workplace means:
 - Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.
 - An establishment, job site, or project, at one geographical location containing one or more work areas.
 - ~~The term workplace means~~ As used in employer chemical hazard communication, WAC 296-800-

Note: There are other WISHA rules you may need to comply with. For a complete list of WISHA rules, see the resources section of this book.

Why does workplace safety and health matter to you?

On average, two people lose their lives every week in job-related incidents in Washington state. Each year, more than 250,000 workers' compensation claims are accepted for work-related injuries and illnesses. Medical care and wage replacement for these injured workers costs more than a bil-

180, any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended. ~~An establishment, job site, or project, at one geographical location containing one or more work areas.~~

~~**You.** You means the employer as defined in RCW 49.17.020. See definition of employer.~~

Your representative. Your representative is the person selected to act in your behalf."

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 305, Amended 223, Repealed 152.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 305, Amended 223, Repealed 152.

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 305, Amended 223, Repealed 152.

Effective Date of Rule: September 1, 2001.

May 9, 2001
Gary Moore
Director

Chapter 296-800 WAC

SAFETY AND HEALTH CORE RULES

NEW SECTION

WAC 296-800-100 Introduction. The WISHA Core Rules: Your foundation for a safe and healthful workplace. This book contains 26 basic safety and health rules that affect all employers and should cover almost everything small, nonmanufacturing employers need for a safe and healthful workplace. These core rules include requirements for your Accident Prevention Program, personal protective equipment, first aid, and hazard communication.

lion dollars. The indirect costs of workplace injuries are even larger in terms of lost quality of life, personal financial ruin, operating costs of business, and decreased profitability. Employers and employees who work together to identify and control hazards on the job can save lives and money while improving business and productivity.

PERMANENT

What is L&I and WISHA?

The department of labor and industries (L&I) is a state agency that provides many different services:

- Workplace safety and health, including inspections and enforcement, consultation, technical assistance, training, education and grants. (WISHA)
- Workers' compensation (or industrial insurance), including claims management, rate setting, medical payments, and research.
- Specialty compliance services, including contractor registration, electrical inspections, boiler and elevator inspections, apprenticeship programs and employment standards.

Many of these services are available from L&I's twenty-two regional offices (see the resources section of this book for a list of regional offices).

In 1973, the legislature passed the Washington Industrial Safety and Health Act or WISHA (Revised Code of Washington (chapter 49.17 RCW)). WISHA requires employers to provide safe and healthful workplaces for all employees. It gives L&I the responsibility to establish and enforce workplace safety and health rules.

How does WISHA work?

WISHA covers nearly all employers and employees in Washington, including employees who work for the state, counties, and cities. L&I inspectors enforce WISHA rules by inspecting workplaces without advance notice including investigations of work-related deaths, injuries, and employees' complaints. When WISHA inspectors find a violation in a workplace, they issue a citation to the employer and a penalty may be attached. If you have questions about whether you are covered by WISHA, call 1-800-4BE SAFE (1-800-423-7233) or a local office of L&I.

What is OSHA and its relationship to WISHA?

The U.S. Congress created the Occupational Safety and Health Administration (OSHA) in 1971 to develop and enforce workplace safety and health rules throughout the country. States may choose to run their own safety and health programs as long as they are at least as effective as OSHA. Washington state has chosen to run its own program and most employers in the state, therefore, are subject to enforcement by L&I and not by federal OSHA.

In Washington state, OSHA covers workplaces with federal employees, nonfederal employees working on federal reservations and military bases, employees working on floating worksites (floating dry docks, fishing boats, construction barges), and employees working for tribal employers on tribal lands.

Does WISHA apply to you?

WISHA applies to almost every employer and employee in Washington. WISHA applies to you if:

- You hire someone to work for you as an employee, including workers from a temporary agency.
- You are hired to work for someone as their employee.
- You own your own business or you are a corporate officer and have elected industrial insurance coverage for yourself.
- You have a contract with someone else that primarily involves personal labor, even though you are not required to

pay industrial insurance or unemployment insurance premiums.

- You volunteer your personal labor, or you have volunteers working for you who receive any benefit or compensation.

If you have any questions about your particular situation, call **1-800-4BE SAFE (1-800-423-7233)** or contact your local office of L&I for help. See the resources section of this book for a complete list of L&I offices.

Are there other safety and health rules I need to know about?

In addition to the rules in the WISHA *Safety and Health Core Rules* book, there are other general WISHA rules that may apply to employers, depending upon the industry and workplace activities. See the resources section of this book for a complete list of WISHA rules or go to the website for all the state rules administered by L&I at <http://www.wa.gov/lni/home/wacs.htm>. If you have questions about these rules or would like copies of them, call 1-800-4BE SAFE (1-800-423-7233) or your local office of L&I.

How do the WISHA rules relate to fire, building and electrical codes?

Fire codes: WISHA rules contain basic requirements for portable fire extinguishers, exit routes, housekeeping, storage, stairs and electrical hazards for the protection of employees in your workplace. The rules contained in this book are the most basic requirements to make sure that as an employer you provide a safe and healthy work environment. However, these are not the only rules regarding the requirements for portable fire extinguishers, exit routes, housekeeping, storage, stairs and electrical equipment. The fire marshal and local fire authorities enforce the Uniform Fire Code (UFC). WISHA and UFC differ in some areas, for example UFC requires exit sign lettering to be 6" or more and WISHA only states that the letters have to be clearly visible. Fire codes have more detailed and extensive requirements for the protection of the public than WISHA. Some codes overlap with WISHA requirements.

Building and electrical codes: WISHA rules are minimum requirements regardless of when the building was built or remodeled. Buildings must also comply with building and electrical codes at the time of construction. If you remodel, you must comply with the building and electrical codes applicable at that time. Building authorities and electrical inspection authorities enforce rules from the Uniform Building Code (UBC), and the National Electrical Code (NEC).

You are encouraged to call your local fire, building or electrical authority. For more information on the requirements in your area look in the government section of your phone book. Copies of these codes are available at your local library.

How can WISHA help employers and employees?

Employers can ask WISHA safety and health consultation staff for free, confidential consulting services in your workplace. WISHA safety and health professionals can examine your workplace and make recommendations about how to comply with WISHA rules. If the consultant finds hazards, the employer will be given a reasonable period of time to correct the hazard without citation or penalty.

Sometimes you might have to wait for an appointment because of the demand for these services. You still must provide a safe workplace while you wait for a consultation.

WISHA offers a wide variety of free services:

- Safety and health workshops held in locations throughout the state
- A comprehensive safety and health video lending library
- Safety and health publications geared for both employer and employee
- Website with on-line publications and learning opportunities

Note: By law, WISHA consultants do not have any enforcement authority.

Link: For more information, call 1-800-4BE SAFE (1-800-423-7233) or visit <http://www.wa.gov/lni/home/training.htm>.

EMPLOYER RESPONSIBILITIES: SAFE WORKPLACE

NEW SECTION

WAC 296-800-110 Employer responsibilities: Safe workplace—Summary. Your responsibility: To provide a safe and healthy workplace free from recognized hazards.

- Note:
- Use these rules where there are no specific rules applicable to the particular hazard.
 - Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. (see chapter 296-360 WAC, Discrimination) pursuant to RCW 49.17.160 for a complete description of discrimination and the department's responsibility to protect employees.

You must:

Provide a workplace free from recognized hazards.

WAC 296-800-11005.

Provide and use means to make your workplace safe.

WAC 296-800-11010.

Prohibit employees from entering, or being in, any workplace that is not safe.

WAC 296-800-11015.

Construct your workplace so it is safe.

WAC 296-800-11020.

Prohibit alcohol and narcotics from your workplace.

WAC 296-800-11025.

Prohibit employees from using equipment or materials that do not meet requirements.

WAC 296-800-11030.

Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

WAC 296-800-11035.

NEW SECTION

WAC 296-800-11005 Provide a workplace free from recognized hazards. You must:

- Provide your employees a workplace free from recognized hazards that are causing, or are likely to cause, serious injury or death.

Note: A hazard is recognized if it is commonly known in the employer's industry or if there is evidence that the employer knew or should have known of the existence of the hazard or if it can be established that any reasonable person would have recognized the hazard.

NEW SECTION

WAC 296-800-11010 Provide and use means to make your workplace safe. You must:

- Provide and use safety devices, safeguards, and use work practices, methods, processes, and means that are reasonably adequate to make your workplace safe.
 - Do not remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished for use in any employment or place of employment.
 - Do not interfere with use of any of the above.
 - Do not interfere with the use of any method or process adopted for the protection of any employee.
 - Do everything reasonably necessary to protect the life and safety of your employees.

NEW SECTION

WAC 296-800-11015 Prohibit employees from entering, or being in, any workplace that is not safe. You must:

- Prohibit employees from entering, or being in, any workplace that is not safe.

NEW SECTION

WAC 296-800-11020 Construct your workplace so it is safe. You must:

- Not construct, or cause to be constructed, a workplace that is not safe. This rule applies to employers, owners, and renters of property used as a place of employment.

NEW SECTION

WAC 296-800-11025 Prohibit alcohol and narcotics from your workplace. You must:

- Prohibit alcohol and narcotics from your workplace, except in industries and businesses that produce, distribute, or sell alcohol and narcotic drugs.
- Prohibit employees under the influence of alcohol or narcotics from the worksite.

EXEMPTION: Employees who are taking prescription drugs, as directed by a physician or dentist, are exempt from this section, if the employees are not a danger to themselves or other employees.

NEW SECTION

WAC 296-800-11030 Prohibit employees from using equipment or materials that do not meet the applicable WISHA requirements. You must:

- Prohibit employees from using equipment, materials, tools, or machinery that fails to meet the applicable WISHA requirements, including the rules for specific industries.
- Be responsible for the safe condition of tools and equipment used by employees.

Note: This applies to all equipment, materials, tools, and machinery whether owned by the employer or under control of another firm or individual.

NEW SECTION

WAC 296-800-11035 Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice. You must:

- Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

EMPLOYEE RESPONSIBILITIES

NEW SECTION

WAC 296-800-120 Rule—Employee responsibilities. Employee's responsibility: To play an active role in creating a safe and healthy workplace and comply with all applicable safety and health rules.

Note: Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. (see chapter 296-360 WAC, Discrimination) pursuant to RCW 49.17.160 for a complete description of discrimination and the department's responsibility to protect employees.

NEW SECTION

WAC 296-800-12005 Employee responsibilities. Employees must:

- Study and follow all safe practices that apply to their work.
- Coordinate and cooperate with all other employees in the workplace to try to eliminate on-the-job injuries and illnesses.
- Apply the principles of accident prevention in your daily work and use proper safety devices and protective equipment as required by your employment or employer.
- Take care of all personal protective equipment (PPE) properly.
- Not wear torn or loose clothing while working around machinery.

Note: Things such as clothing, hair, and jewelry can get caught in machinery and be a hazard on the job.

Employees must:

- Report promptly to their supervisor every industrial injury or occupational illness.
- Not remove, displace, damage, or destroy or carry off any safeguard, notice, or warning provided to make the workplace safe.
- Not interfere with use of any safeguard by anyone in the workplace.

- Not interfere with the use of any work practice designed to protect them from injuries.
- Do everything reasonably necessary to protect the life and safety of employees.

SAFETY COMMITTEES AND SAFETY MEETINGS

NEW SECTION

WAC 296-800-130 Safety committees and safety meetings—Summary. Your responsibility: To establish a workplace safety committee/meeting to develop and maintain a safe and healthy workplace for all employees.

You must:

Establish a safety committee or have safety meetings.
WAC 296-800-13005.

Make sure that each meeting includes a discussion of established safety topics.

WAC 296-800-13010.

Make sure that safety committee meeting minutes are recorded and preserved.

WAC 296-800-13015.

NEW SECTION

WAC 296-800-13005 Establish a safety committee or have safety meetings. You must:

If:	Then:
You employ 11 or more employees on the same shift at the same location	You must establish a safety committee
You have 10 or less employees or If you have 11 or more that meet these conditions: • Work on different shifts and 10 or less employees are on each shift or • Work in widely separated locations and 10 or less employees are at each location	You may elect to have a safety meeting instead of a safety committee

Make sure your safety committee:

- Has both employer-selected and employee-elected members.
- The number of employer-selected members must be equal to or less than the number of employee-elected members.
- The term of employee-elected members must be a maximum of one year. This rule does not specify the number of terms a representative can serve.
- If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.
- Has an elected chairperson.
- Determines how often the safety committee will meet.

PERMANENT

- Note: • If the committee cannot agree on the frequency of safety meetings, the department of labor and industries' regional safety consultation representative must be consulted for recommendations (see the resource section in this book).
- Note: Employees selected by the employees bargaining representative or union qualify as "employee-elected."

You must:

Make sure your safety committee:

- Determines when and where the safety committee will meet.
 - Meetings cannot exceed one hour, unless extended by a majority vote of the committee.
- Make sure safety meetings:
 - Are held at least once a month; or weekly (or biweekly) if conditions arise that require discussions of safety problems.
 - Be composed of at least one management representative, in addition to the crew/staff.

NEW SECTION

WAC 296-800-13010 Make sure that each meeting includes a discussion of established safety topics. You must:

- At each safety committee or safety meeting:
 - Review safety and health inspection reports to help correct safety hazards.
 - Evaluate the accident investigations conducted since the last meeting to determine if causes of the unsafe situation were identified and corrected.
 - Evaluate the workplace accident and illness prevention program and discuss recommendations for improvement if needed.
- In addition, at each meeting you must:
- Document attendance.
 - Write down subject(s) discussed.

NEW SECTION

WAC 296-800-13015 Make sure that safety committee meeting minutes are recorded and preserved. You must:

- Prepare minutes from each safety committee meeting:
 - Preserve them for one year.
 - Make them available for review by safety and health consultation personnel of the department of labor and industries.

ACCIDENT PREVENTION PROGRAM

NEW SECTION

WAC 296-800-140 Accident prevention program.
Summary.

Your responsibility: To establish, supervise and enforce an accident prevention program (APP) that is effective in practice. (You may call this your total safety and health plan.)

You must:

Develop a formal, written accident prevention program (APP).

WAC 296-800-14005.

Develop, supervise, implement, and enforce safety and health training programs that are effective in practice.

WAC 296-800-14020.

Make sure your accident prevention program (APP) is effective in practice.

WAC 296-800-14025.

NEW SECTION

WAC 296-800-14005 Develop a formal, written accident prevention program. You must:

- Develop a formal accident prevention program that is outlined in writing. The program must be tailored to the needs of your particular workplace or operation and to the types of hazards involved.

Note: The term "accident prevention program" refers to your written plan to prevent accidents, illnesses, and injuries on the job. Your accident prevention program may be known as your safety and health plan, injury prevention program, or by some other name.

You must:

- Make sure your Accident Prevention Program contains at least the following elements:
 - A safety orientation:
 - ◆ A description of your total safety and health program.
 - ◆ On-the-job orientation showing employees what they need to know to perform their initial job assignments safely.
 - ◆ How and when to report on-the-job injuries including instruction about the location of first-aid facilities in your workplace.
 - ◆ How to report unsafe conditions and practices.
 - ◆ The use and care of required personal protective equipment (PPE).
 - ◆ What to do in an emergency, including how to exit the workplace.
 - ◆ Identification of hazardous gases, chemicals, or materials used on-the-job and instruction about the safe use and emergency action to take after accidental exposure.
 - A safety and health committee.
- (WAC 296-800-130.)

NEW SECTION

WAC 296-800-14020 Develop, supervise, implement, and enforce safety and health training programs that are effective in practice. You must:

- Develop, supervise, implement, and enforce training programs to improve the skill, awareness, and competency of all your employees in the field of occupational safety and health.
- Make sure training includes on-the-job instruction to employees prior to their job assignment about hazards such as:
 - Safe use of powered materials-handling equipment, such as forklifts, backhoes, etc.
 - Safe use of machine tool operations.
 - Use of toxic materials.
 - Operation of utility systems.

NEW SECTION

WAC 296-800-14025 Make sure your accident prevention program is effective in practice. You must:
 • Establish, supervise, and enforce your accident prevention program in a manner that is effective in practice.

FIRST-AID SUMMARY

NEW SECTION

WAC 296-800-150 Rule summary. Your responsibility: Make sure first-aid trained personnel are available to provide quick and effective first aid.

You must:

Make sure that first-aid trained personnel are available to provide quick and effective first aid.

WAC 246-800-15005.

Make sure first-aid training contains required subjects.

WAC 296-800-15010.

Keep current and document your first-aid training.

WAC 296-800-15015

Make sure appropriate first-aid supplies are readily available.

WAC 296-800-15020.

Provide a first-aid station when required.

WAC 296-800-15025.

Note: Your workplace may be covered by separate first-aid rules. If you do any of the types of work listed below, you must follow separate industry specific rules:

Industry	Chapter (WAC)
Agriculture	296-307
Compressed air	296-36
Construction	296-155
Fire fighting	296-305
Logging	296-54
Sawmill	296-78
Ship building and repairing	296-304

You can get copies of these rules by calling 1-800-4BE SAFE (1-800-423-7233), or by going to <http://www.lni.wa.gov>.

NEW SECTION

WAC 296-800-15005 Make sure that first-aid trained personnel are available to provide quick and effective first aid. You must:

• Choose one of the following two options to make sure that your employees have access to personnel who are trained in first aid.

Option 1:

Make sure first-aid trained employees are in your workplace to help your employees if they become hurt or ill on the job by doing the following:

– Make sure that:

◆ Each person in charge of employees has first-aid training; or

◆ Another person with first-aid training is present or available to your employees, whenever you have 2 or more employees present.

– Adequately post emergency telephone numbers in your workplace.

Option 2:

Develop and maintain a written first-aid response plan for your workplace. If you choose this option, you must do all of the following:

– Determine how many, if any, employees should be trained in first-aid, based on the following factors:

◆ What type(s) of occupational hazards are present in your workplace?

◆ How likely is it that a workplace injury or illness will occur?

◆ How serious are the occupational hazards in your workplace?

◆ How remote is your workplace?

◆ How complex is your worksite in terms of size, design, etc.?

◆ What medical emergencies have occurred at your workplace in the past?

◆ How far away and how long does it take to get to emergency medical services?

Note: Employers who require their employees to provide first-aid must comply with the bloodborne pathogen rule, WAC 296-62-080.

You must:

• Make sure your first-aid response plan:

– Fits your work location, type of work, and environmental conditions.

– Identifies the available emergency medical services and access numbers and where they are posted.

– Describes the type of first-aid training employees receive, if applicable.

– Identifies the location(s) of first-aid supplies and/or first-aid stations.

– Identifies the contents of first-aid kits.

– Describes how first-aid supplies or kits will be inspected and maintained.

– Describes how injured or ill employees will have access to first-aid trained employees.

NEW SECTION

WAC 296-800-15010 Make sure first-aid training contains required subjects.

Note: Assess your workplace to determine if there are certain job hazards, if the time and distance from emergency medical services indicate a need for training beyond the items listed below.

You must:

• Make sure that every two years, employees are trained in and able to demonstrate their skill and knowledge of the following subject areas:

– Role and responsibilities of the first-aid provider.

– Assessing a scene.

– Performing an initial and ongoing assessment of an injured or ill person.

– Scene safety.

– Body substance isolation/bloodborne pathogens.

PERMANENT

- Performing an emergency move.
- Placing an ill person in the recovery position.
- Opening and maintaining an airway.
- Providing rescue breathing.
- Managing an obstructed airway.
- Performing adult/one-rescuer CPR.
- Recognizing the warning signs and symptoms of medical problems.
- Recognizing and caring for an injured or ill person with decreased levels of responsiveness.
- Controlling external bleeding and recognizing internal bleeding.
- Recognizing and caring for victims of shock.
- Recognizing and stabilizing spinal injury.
- Recognizing and manually stabilizing suspected skeletal injuries.
- Knowledge of voluntary provisions of first aid, consent and confidentiality.

NEW SECTION

WAC 296-800-15015 Document your first-aid training. You must:

- Keep a written record of your employees' first-aid training by keeping rosters, first-aid cards, or certificates. You may store your documentation on a computer, as long as the information is readily available when requested by personnel of the department of labor and industries.

NEW SECTION

WAC 296-800-15020 Make sure appropriate first-aid supplies are readily available. You must:

- Make sure first-aid supplies are readily available.
- Make sure first-aid supplies at your workplace are appropriate to:
 - Your occupational setting.
 - The response time of your emergency medical services.

Note: First-aid kits from your local retailer or safety supplier should be adequate for most nonindustrial employers.

You must:

- Make sure that first-aid supplies are:
 - Easily accessible to all your employees.
 - Stored in containers that protect them from damage, deterioration, or contamination. Containers must be clearly marked, not locked, and may be sealed.
 - Able to be moved to the location of an injured or acutely ill worker.

NEW SECTION

WAC 296-800-15025 Provide a first-aid station when required. You must:

- Provide a first-aid station with at least one first-aid trained employee available if there are fifty or more employees per shift at one location.
- Make sure the first-aid station:
 - Is well marked.
 - Is available to employees during all working hours.

- Is equipped with first-aid supplies that are appropriate for your number of employees, occupational setting, and working conditions.
- Has at least one portable first-aid kit.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

NEW SECTION

WAC 296-800-160 Summary. Your responsibility: To make sure that your employees have, use, and care for the appropriate personal protective equipment (PPE).

What is PPE?: PPE is an item or items used to protect the eyes, face, head, body, arms, hands, legs, and feet such as goggles, helmets, head covers, gloves, rubber slickers, disposable coveralls, safety shoes, protective shields, and barriers.

EXEMPTION: • WAC 296-800-16015, 296-800-16025, 296-800-16030, and 296-800-16035 do not apply to electrical protective equipment or respiratory protection. See chapters 296-24 WAC, Part L, and chapter 296-62 WAC Part E, for rules about these types of protective equipment.

You must:

Do a hazard assessment for PPE.

WAC 296-800-16005.

Document your hazard assessment for PPE.

WAC 296-800-16010.

Select appropriate PPE for your employees.

WAC 296-800-16015.

Provide PPE to your employees.

WAC 296-800-16020.

Train your employees to use PPE.

WAC 296-800-16025.

Retrain employees to use PPE, if necessary.

WAC 296-800-16030.

Document PPE training.

WAC 296-800-16035.

Require your employees to use necessary PPE on the job.

WAC 296-800-16040.

Keep your PPE safe and in good condition.

WAC 296-800-16045.

Make sure your employees use appropriate face and eye protection.

WAC 296-800-16050.

Make sure your employees use appropriate head protection.

WAC 296-800-16055.

Make sure your employees use appropriate foot protection.

WAC 296-800-16060.

Make sure your employees use appropriate hand protection.

WAC 296-800-16065.

Make sure your employees are protected from drowning.

WAC 296-800-16070.

NEW SECTION

WAC 296-800-16005 Do a hazard assessment for PPE. You must:

- Look for and identify hazards or potential hazards in your workplace and determine if PPE is necessary on the job.

Note: PPE alone should not be relied on to provide protection for your employees. PPE should be used after all other reasonable means of reducing hazards have been carried out. Identifying hazards in your workplace should be built into your regular routine. You should take active steps to get rid of all identified hazards. For example, you can:

- Consider other ways to get hazardous jobs done.
- Reduce hazardous materials or processes.
- Apply engineering controls to reduce or eliminate hazards.

NEW SECTION

WAC 296-800-16010 Document your hazard assessment for PPE. You must:

- Verify that a hazard assessment for PPE has been done at your workplace and complete a written certification (paper or electronic format) that includes the:

- Name of the workplace
- Address of the workplace you inspected for hazards
- Name of person certifying that a workplace hazard assessment was done
- Date(s) the workplace hazard assessment was done
- Statement identifying the document as the certification of hazard assessment for PPE for the workplace

NEW SECTION

WAC 296-800-16015 Select appropriate PPE for your employees. You must:

(1) Select appropriate PPE.

- Select appropriate PPE for your employees if hazards are present, or likely to be present.

- Select PPE for each at-risk employee to use for protection from the hazards identified in your workplace hazard assessment.

(2) Select PPE that properly fits each at-risk employee.

Note: The hazards in your workplace have special rules that may apply to them. For information about PPE for specific workplaces, see these WISHA rule books:

Chapter 296-24 WAC	General Safety and Health Standards
Chapter 296-32 WAC	Telecommunication
Chapter 296-45 WAC	Electrical Workers
Chapter 296-54 WAC	Logging Operations
Chapter 296-59 WAC	Ski Area Facilities and Operations
Chapter 296-62 WAC	General Occupational Health Standards
Chapter 296-79 WAC	Pulp, Paper, and Paperboard Mills and Converters
Chapter 296-155 WAC	Construction Work
Chapter 296-301 WAC	Textile Industry

Chapter 296-304 WAC Ship Repairing, Ship Building and Shipbreaking

Chapter 296-305 WAC Fire Fighters

Note: For help in selecting PPE for your employees, you have several options. You may:

- Visit the OSHA website <http://www.osha-slc.gov/SLTC/personalprotectiveequipment/index.html>.
- Call 1-800-4BE SAFE (1-800-423-7233) for guidelines for selecting PPE.
- Consult with safety and health professionals knowledgeable in this area.
- Discuss PPE choices with your employees.

NEW SECTION

WAC 296-800-16020 Provide PPE to your employees. You must:

- Provide PPE wherever hazards exist from:

- Processes or the environment
- Chemical hazards
- Radiological hazards or
- Mechanical irritants that could cause injury or impairment to the function of any body part through absorption, inhalation, or physical contact.

- Provide necessary PPE to employees at no cost to the employee if the PPE:

- Will be used to protect against hazardous materials or
- Is the type that would not reasonably or normally be worn away from the workplace, such as single use or disposable PPE.

Note: Examples of PPE that the employer **must** provide are:

- Boots or gloves that could become contaminated with hazardous materials in the workplace.
 - Safety glasses, goggles, and nonprescription protective eye wear.
 - Goggles that fit over prescription eye wear.
 - Hard hats.
 - Full body harnesses and lanyards.
 - Single use or disposable PPE such as plastic type gloves used in the food service or medical industries.
- Examples of PPE that the employer may **not** have to provide are:
- Coats to protect against inclement weather.
 - Leather boots, with or without steel toes, that will not become contaminated on the job.
 - Prescription protective eye wear (except as part of a full face piece or hooded respirator).

NEW SECTION

WAC 296-800-16025 Train your employees to use PPE. You must:

- Communicate your PPE selection decision to each at-risk employee.

- Provide training to each employee who is required to use PPE on the job. Each affected employee must be trained to know at least the following:

- When PPE is necessary
- What PPE is necessary
- How to put on, take off, adjust, and wear PPE
- Limitations of PPE
- Proper care, maintenance, useful life, and disposal of PPE.

PERMANENT

- Make sure before an employee is allowed to perform work requiring the use of PPE that the employer can:
 - Demonstrate an understanding of the training specified above; and
 - Demonstrate the ability to use PPE properly.

NEW SECTION

WAC 296-800-16030 Retrain employees to use PPE, if necessary. You must:

- Retrain an employee when you have reason to believe the understanding, motivation, and skills required to use the PPE has not been retained. Circumstances where retraining is required include:
 - Changes in the workplace that make previous training out of date.
 - Changes in the types of PPE to be used make previous training out of date.
 - Work habits or demonstrated knowledge indicate that the employee has not retained the necessary understanding, skill, or motivation to use PPE.

NEW SECTION

WAC 296-800-16035 Document PPE training. You must:

- Document in writing that each employee using PPE has received and understood the required training.

This documentation must include:

- Name of each employee
- Date(s) of training
- Subject of the training

Note: Documentation may be stored on a computer as long as it is available to safety and health personnel from the department of labor and industries.

NEW SECTION

WAC 296-800-16040 Require your employees to use necessary PPE on the job. You must:

- Require your employees to use necessary PPE on the job.

NEW SECTION

WAC 296-800-16045 Keep PPE in safe and good condition. You must:

- Make sure all PPE is safe for the work to be performed. It must:
 - Be durable.
 - Fit snugly.
 - Not interfere with the employee's movements.
- Make sure PPE is used and maintained in a clean and reliable condition.
 - Defective equipment **MUST NOT** be used.
 - Make sure if employees provide their own PPE, that it is adequate for the workplace hazards, and maintained in a clean and reliable condition.

NEW SECTION

WAC 296-800-16050 Make sure your employees use appropriate eye and face protection. You must:

- Make sure that employees exposed to hazards that could injure their eyes and/or face use appropriate protection. Examples of these hazards include:

- Flying particles.

- Molten metal.

- Liquid chemicals.

- Acids or caustic liquids.

- Chemical gases or vapors.

- Any light that could injure the eyes such as lasers, ultraviolet, or infrared light.

- Make sure employees exposed to hazards from flying objects have eye protection with side protection, such as safety glasses with clip-on or slide-on side shields.

- Make sure eye protection for employees who wear prescription lenses:

- Incorporates the prescription into the design of the eye protection; or

- Is large enough to be worn over the prescription lenses without disturbing them.

- Make sure PPE used to protect the eyes and face meet the following specific ANSI standards: (Most commercially available PPE is marked with the specific ANSI requirements.)

- PPE bought before February 20, 1995, must meet ANSI standard A87.1-1968.

- PPE bought after February 20, 1995, must meet ANSI standard Z87.1-1989.

- If you use eye or face protection that does not meet these ANSI standards, you must show they are equally effective.

NEW SECTION

WAC 296-800-16055 Make sure your employees use appropriate head protection. You must:

(1) Make sure employees wear appropriate protective helmets.

- Where employees are exposed to hazards that could cause a head injury. Examples of this type of hazard include:

- Flying or propelled objects.

- Falling objects or materials.

- Where employees are working around or under scaffolds or other overhead structures.

- That helmets meet the following specific ANSI standards (most commercially available PPE is marked with specific ANSI requirements):

- Protective helmets bought before February 20, 1995, must meet ANSI standard Z89.1-1969.

- Protective helmets bought after February 20, 1995, must meet ANSI standard Z89.1-1986.

- If you use protective helmets that do not meet these ANSI standards, you must show they are equally effective.

(2) Make sure employees working near exposed electrical conductors that could contact their head wear a protective helmet designed (that meet the above ANSI standards) to reduce electrical shock hazard.

- Caps with metal buttons or metal visors must **not** be worn around electrical hazards.

(3) Make sure employees working around machinery or in locations that present a hair-catching or fire hazard wear caps or head coverings that completely cover their hair.

- Employees must wear a hair net that controls all loose ends when:

- Hair is as long as the radius of pressure rolls with exposed in-running nip points.

- Hair is twice as long as the circumference of exposed revolving shafts or tools in fixed machines.

- Employees must wear a hair covering of solid material when:

- The employee is exposed to an ignition source and may run into an area containing class-I flammable liquids, such as ether, benzene, or combustible atmospheres if their hair is on fire.

NEW SECTION

WAC 296-800-16060 Make sure your employees use appropriate foot protection. You must:

(1) Use appropriate foot protection.

- Where employees are exposed to hazards that could injure their feet. Examples of these hazards are:

- Falling objects
- Rolling objects
- Piercing/cutting injuries
- Electrical hazards

- That meets specific ANSI requirements. (Most commercially available PPE is marked with specific ANSI requirements.)

- PPE bought before February 20, 1995, must meet ANSI standard Z41.1-1967.

- PPE bought after February 20, 1995, must meet ANSI standard Z41-1991.

- If you use foot protection that does not meet these ANSI standards, you must show it is equally effective.

(2) Make sure your employees wear calks or other suitable footwear to protect against slipping while they are working on top of logs.

NEW SECTION

WAC 296-800-16065 Make sure your employees use appropriate hand protection. You must:

- Make sure employees exposed to hazards that could injure their hands use appropriate hand protection. Examples of these hazards include:

- Absorbing harmful substances
- Severe cuts, lacerations or abrasions
- Punctures
- Chemical burns and/or thermal burns
- Harmful temperature extremes

- Make sure when choosing hand protection, you consider how well the hand protection performs relative to the:

- Task
- Conditions present
- Duration of use

- Hazards
- Potential hazards

NEW SECTION

WAC 296-800-16070 Make sure your employees are protected from drowning. You must:

(1) Provide and wear personal flotation devices (PFD).

- When they work in areas where the danger of drowning exists, such as:

- On the water.
- Over the water.
- Alongside the water.

Note: Employees are not exposed to the danger of drowning when:

- The water is known to be less than chest high on the employee.
- Employees are working behind standard height and strength guardrails.
- Employees are working inside operating cabs or stations that eliminate the possibility of accidentally falling into the water.
- Employees are wearing an approved safety belt with a lifeline attached that prevents the possibility of accidentally falling into the water.

You must:

- Provide your employees with approved United States Coast Guard PFDs. Ski belts or inflatable type PFDs are prohibited. The following are appropriate or allowable United States Coast Guard-approved PFDs:

Type of PFD	General Description
Type I	Off-shore life jacket, effective for all waters or where rescue may be delayed.
Type II	Near-shore buoyant vest, intended for calm, inland water or where there is a good chance of quick rescue.
Type III	Flotation aid, good for calm, inland water, or where there is a good chance of rescue.
Type V	Flotation aids such as board-sailing vests, deck suits, and work vests.

Note: Commercially available PFDs are marked or imprinted with the type of PFD.

- Inspect PFDs before and after each use for defects and make sure that defective PFDs are not used.

You must:

(2) Provide approved life rings with an attached line on all docks, walkways, and fixed installations on or adjacent to water more than five feet deep.

- Life rings must:

- Be United States Coast Guard approved 30 inch size.
- Have attached lines that are at least 90 feet in length.
- Have attached lines at least 1/4 inch in diameter.
- Have attached lines with a minimum breaking strength of 500 pounds.

PERMANENT

- Be spaced no more than 200 feet apart.
- Be kept in easily visible and readily accessible locations.
 - Life rings and attached lines must:
 - Be maintained to retain at least 75 percent of their designed buoyancy and strength.
 - Be provided in the immediate vicinity when employees are assigned work at other casual locations where the risk of drowning exists.
 - Work assigned over water where the vertical drop from an accidental fall would be more than 50 feet, must be subject to specific procedures as approved by the department.

EMPLOYER—CHEMICAL HAZARD COMMUNICATION INTRODUCTION

NEW SECTION

WAC 296-800-170 Employer chemical hazard communication—Introduction. Important:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer.

The Employer Chemical Hazard Communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

- Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.
- Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

- Note:
- If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with chemical hazard communication for manufacturers, importers and distributors, WAC 296-62-054.
 - You may withhold trade secret information under certain circumstances, see trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

- EXEMPTIONS:**
- For the purposes of this Employer Hazard Communication rule, if you are engaged in agricultural production of crops or livestock, "employee" does not mean:
 - Immediate family members of the officers of any corporation, partnership, sole proprietorship or other business entity or officers of any closely held corporation.
 - Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-800-17055 at the end of this rule to get complete information about these exemptions:
 - Any hazardous waste or substance
 - Tobacco or tobacco products
 - Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding
 - Food or alcoholic beverages
 - Some drugs, such as retail or prescription medications
 - Retail cosmetics
 - Ionizing and nonionizing radiation
 - Biological hazards
 - Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer

◆ Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products." Consumer products include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same way that a consumer would use it when cleaning their house, the exposure should be the same as the consumer's. ("In the same way" means using the household cleaner in the same manner and frequency.) A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be consumer use.

- Manufactured items that remain intact are exempt for this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	Sawed or cut in half	Used whole or intact
Pipe	Cut by a torch	Bent with a tube bender
Nylon Rope	Burning the ends	Tying a knot

- Manufactured items that are fluids or in the form of particles are not exempt for this rule.

Your responsibility: To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

- Making a list of the hazardous chemicals present in your workplace
- Preparing a written Chemical Hazard Communication Program for your workplace
- Informing your employees about this rule and your program
- Providing training to your employees about working in the presence of hazardous chemicals
- Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals
- Making sure that labels on containers of hazardous chemicals are in place and easy to read

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

WAC 296-800-17005.

Identify and list all the hazardous chemicals present in your workplace.

WAC 296-800-17010.

Obtain and maintain material safety data sheets (MSDS) for each hazardous chemical used.

WAC 296-800-17015.

Make sure that material safety data sheets (MSDS) are readily accessible to your employees.

WAC 296-800-17020.

Label containers holding hazardous chemicals.

WAC 296-800-17025.

Inform and train your employees about hazardous chemicals in your workplace.

WAC 296-800-17030.

Follow these rules for laboratories using hazardous chemicals.

WAC 296-800-17035.

Follow these rules for handling chemicals in factory sealed containers.

PERMANENT

WAC 296-800-17040.

The department must:

Translate certain chemical hazard communication documents upon request.

WAC 296-800-17045.

Attempt to obtain a material safety data sheet (MSDS) upon request.

WAC 296-800-17050.

Exemption:

Items or chemicals exempt from the rule, and exemptions from labeling.

WAC 296-800-17055.

NEW SECTION

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program. You must:

- Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specifically for your workplace. The Chemical Hazard Communication Program must, at a minimum, include:

- A list of hazardous chemicals known to be present in your workplace.

- Procedures for making sure all containers are properly labeled.

- A description of how you are going to obtain and maintain your material safety data sheets (MSDS).

- A description of how you are going to train and inform your employees about hazardous chemicals in their workplace.

- A description of how you are going to inform your employees about:

- ◆ Chemical hazards used during nonroutine tasks.

- ◆ The hazards associated with chemicals contained in unlabeled pipes in their work areas.

You must:

- Make sure your written chemical hazard communication program includes the following communication methods you will apply if you produce, use, or store hazardous chemicals at your workplace(s) in such a way that the employees of other employer(s) may be exposed:

- Provide the other employer(s) with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a central location at the workplace.

- Inform the other employer(s) of any precautionary measures that need to be taken to protect employees during normal operating conditions and in foreseeable emergencies.

- Describe how to inform the other employer(s) of the labeling system used in the workplace.

Note: • Examples of employees of other employers who could be exposed to chemical hazards that you produce, use, or store in your workplace include employees of construction companies, cleaning services, or maintenance contractors visiting or working on-site.

• Your employees have the right to get chemical hazard communication information from other employers at workplaces where they are working; and

Employees of other employers have the right to get the information from you when they are working at your workplace.

- Include in your written Chemical Hazard Communication Program the methods that you will use to share information with other employers and their employees at your workplace(s) regarding:

- Access to MSDS.

- Precautionary measures such as personal protective equipment (PPE) and emergency plans.

- Any labeling systems used at the workplace.

If you rely on another employer's Chemical Hazard Communication Program to share the information required and the program meets the requirements of this rule, document this in your own written Chemical Hazard Communication Program.

You must:

- Make your Chemical Hazard Communication Program available to your employees.

Note: • You must make the written Chemical Hazard Communication Program available, upon request, to employees, their designated representatives, the department and NIOSH, in accordance with the requirements of Access to records, WAC 296-62-052.

- Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

NEW SECTION

WAC 296-800-17010 Identify and list all the hazardous chemicals present in your workplace. You must:

- Identify all hazardous chemicals at your workplace. This includes any chemical that is known to be present in your workplace in such a way that employees may be exposed to it under normal conditions of use or in a foreseeable emergency.

- Create a list of these chemicals using the chemical or common name on the material safety data sheet (MSDS).

This list:

- Must be compiled for the workplace as a whole, or for individual work areas.

- Is necessary to make sure that all hazardous chemicals are identified and that MSDS, and labeling rules are met.

- Must be current.

Note: The following are some ways to determine whether a product is hazardous:

- Look for words on the label, such as "CAUTION," "WARNING," or "DANGER."

- Look for words or "hazard coding" that indicate that the chemical is flammable, an irritant, corrosive, carcinogenic, etc. "Hazard coding" refers to words, numbers, or colors that tell you a chemical is dangerous.

- Check the product's MSDS for hazard information.

Examples of hazardous chemicals are: Acids, adhesives, caustics, fuels, paints, varnishes, shellacs and pesticides. Too many other classes of hazardous chemicals exist to list them all here. If you have any questions about a chemical you have at your workplace, contact your local L&I office (see the resource section of this book).

NEW SECTION**WAC 296-800-17015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.**

Note: MSDSs are a type of employee exposure record. Therefore, you must comply with the Access to MSDS as exposure records, WAC 296-800-180, located in this book.

You must:

- Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS is not provided with the shipment of a hazardous chemical from the chemical manufacturer or importer.

Note:

- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.
- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.
- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA. You may contact your local regional office for assistance or make a written request for assistance to the: Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610.

Include in your request:

- A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor.
- The name of the product suspected of containing a hazardous chemical.
- The identification number of the product, if available.
- A copy of the product label, if available.
- The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

You must:

- Maintain a MSDS for each hazardous chemical:
 - Keep copies of the required MSDSs for each hazardous chemical present in your workplace. These may be kept in any form, including as a part of operating procedures.
 - Each MSDS must be in English. You may also keep copies in other languages.

Note:

- If you choose not to rely on MSDSs or labels provided by the manufacturer or importer, you must comply with the Chemical hazard communication standard for manufacturers, importers, and distributors, WAC 296-62-054.
- It may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. MSDS can be designed to cover groups of hazardous chemicals in a work area.

NEW SECTION**WAC 296-800-17020 Make sure material safety data sheets are readily accessible to your employees. You must:**

- Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift to employees when they are in their work area(s).

- Make sure that employees can immediately obtain the required MSDS information in an emergency.

- Where employees must travel between workplaces during a workshift, such as when their work is carried out at more than one geographical location, the MSDSs may be kept at a central location at the primary workplace facility.

- This can be done by means such as voice communication or laptop computer.

Note:

- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.

- Barriers to immediate access of electronic MSDSs may include:

- Power outages
- Equipment failure
- System delays
- Deficient user knowledge to operate equipment
- Location of equipment outside the work area.

Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

- MSDSs must also be made readily available, upon request, to the department in accordance with the requirements of material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. NIOSH (National Institute for Occupational Safety and Health) must also be given access to MSDSs in the same manner.

NEW SECTION**WAC 296-800-17025 Label containers holding hazardous chemicals. Exemptions:**

- The following is a summary of items that are exempt from this rule. For complete information about each of these, see WAC 296-800-17055.

- Pesticides, when labeled as required by the Environmental Protection Agency (EPA).

- Food, food additives, drugs, cosmetics, or medical/veterinary devices or products.

- Alcoholic beverages not intended for industrial use.

- Consumer products labeled as required by the Consumer Product Safety Commission.

- Agriculture or vegetable seeds treated and labeled as required by the Federal Seed Act.

Note: You are not required to label portable containers into which hazardous chemicals are transferred from labeled containers, if the chemical is used and controlled by the employee who performed the transfer within the same shift.

You must:

- Make sure that each container of hazardous chemicals in the workplace is labeled, tagged, or marked with the following information:

- The identity of the hazardous chemical(s) using either the chemical or common name.

Note: You are not required to list each component in a hazardous mixture on the label. If a mixture is referred to on a material safety data sheet (MSDS) by a product name, then the product name should be used as the identifier.

- Appropriate hazard warnings which give general information about the relevant health and physical hazards of the chemicals. This includes health effects information, such as

information about organs most likely to be affected by the chemicals.

Examples of label:

Name of chemical Physical hazards Health Hazards • Health effects information • Affected Target organs
--

– For individual stationary process containers, you may use alternate labeling methods such as:

- ◆ Signs
- ◆ Placards
- ◆ Process sheets
- ◆ Batch tickets
- ◆ Operating procedures or
- ◆ Other such written materials,

as long as the alternate method identifies the containers and conveys the required label information.

Note: • You may use words, pictures, symbols or any combination to communicate the hazards of the chemical. Be sure to train your employees so they can demonstrate a knowledge of the labeling system you use.

Sample Container Labels



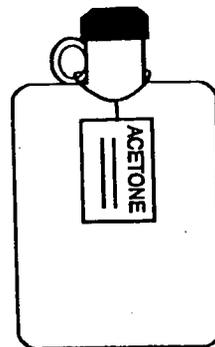
- Some alternative labeling systems do not communicate target organ information, so the employee will have to rely on training provided by the employer to obtain this information.

You must:

• Not remove or deface existing labels on incoming containers of hazardous chemicals (such as those marked with the United States Department of Transportation (USDOT) markings, placards and labels), unless the container is immediately labeled with the required information. You do not need to put on new labels if existing labels already provide the required information. If the package or container is sufficiently cleaned of residue and purged of vapors to remove any potential health or physical hazard, existing labels can be removed.

• Make sure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift.

Note: • Employers with non-English speaking employees may use other languages in the warning information in addition to the English language.



Note: • Above is an example of a labeled container. You may use a laminated or coated label, affixed to the container with a wire, to avoid deterioration of labels due to a solvent, such as acetone.

• Make sure if the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health rule, that the labels or other warnings are used according to those rules.

NEW SECTION

WAC 296-800-17030 Inform and train your employees about hazardous chemicals in your workplace. You must:

• Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

– Inform employees of:

- ◆ The requirements of this rule
- ◆ Any operations in their work area where hazardous chemicals are present
- ◆ The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

• Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.

Make sure that employee training includes:

– Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area.

Examples of these methods and observations may include:

- ◆ Monitoring conducted by you
- ◆ Continuous monitoring devices
- ◆ Visual appearance or odor of hazardous chemicals when being released
- ◆ Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure
- ◆ Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:
 - Appropriate work practices

PERMANENT

- Engineering controls
- Emergency procedures
- Personal protective equipment to be used
- Details of the chemical hazard communication program developed by you, including an explanation of the labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

- Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs

- Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

- Note:
- Interactive computer-based training or training videos can be used provided they are effective.
 - Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

NEW SECTION

WAC 296-800-17035 Follow these rules for laboratories using hazardous chemicals.

Note: Laboratories are required to have a written Chemical hygiene plan under WAC 296-62-400, if applicable. They are **not** required to have a written Chemical Hazard Communication Program.

You may combine your accident prevention program and chemical hazard communication program to assist you in developing a chemical hygiene plan for your laboratory.

You must:

(1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.

(2) Maintain material safety data sheets (MSDSs) received with incoming shipments of hazardous chemicals and make them available to laboratory employees when they are in their work areas.

(3) Provide laboratory employees with information and training as described in: "Inform and train your employees about hazardous chemicals in your workplace," WAC 296-800-17030, **except** for the part about the location and availability of the Written Chemical Hazard Communication Program.

Note: Laboratory employers that ship hazardous chemicals are considered to be either chemical manufacturers or distributors. When laboratory employers ship hazardous chemicals they must comply with the rule, "hazard communication standards for chemical manufacturers, importers and distributors," WAC 296-62-054.

NEW SECTION

WAC 296-800-17040 Follow these rules for handling chemicals in factory-sealed containers. This applies to situations where employees only handle chemicals in factory-

sealed containers that are not opened under normal use (such as those found in marine cargo handling, trucking, warehousing, or retail sales).

You must:

(1) Make sure that labels on incoming containers of hazardous chemicals are in place and readable.

(2) Keep or obtain material safety data sheets.

- Keep any MSDS that are received with incoming shipments of the sealed containers of hazardous chemicals.

- If a factory-sealed container of hazardous chemicals comes without a MSDS, obtain one as soon as possible, if an employee requests it.

(3) Make sure that the MSDSs are readily accessible during each work shift to employees when they are in their work area(s).

(4) Inform and train your employees about hazardous chemicals in your workplace, to protect them in case of a hazardous chemical spill or leak from a factory-sealed container. You do not have to cover the location and availability of the written Chemical Hazard Communication Program.

NEW SECTION

WAC 296-800-17045 Translate certain chemical hazard communication documents upon request. The department must:

- Upon receipt of a written or verbal request, prepare and make available (within available resources) to employers or the public, a translation into Cambodian, Chinese, Korean, Spanish, or Vietnamese of any of the following:

- An employer's written Chemical Hazard Communication Program.

- A material safety data sheet or

- Written materials prepared by the department to inform employees of their rights described in this rule, regarding chemical hazard communication.

Note: Written requests for translations should be directed to:
Department of Labor and Industries
Right-to-Know Program
P.O. Box 44610
Olympia, Washington 98504-4610.

NEW SECTION

WAC 296-800-17050 Attempt to obtain a material safety data sheet (MSDS) upon request. The department must:

- Upon receipt of an employer's written request for a material safety data sheet, attempt to obtain the MSDS from the chemical manufacturer, importer, or distributor. When the department receives the MSDS, the department must forward a copy of it to the purchaser at no cost. Small business employers will be given priority for this service.

NEW SECTION

WAC 296-800-17055 Items or chemicals exempt from the rule, and exemptions from labeling.

- Listed below are the full descriptions of the items or chemicals that are exempt, or not covered, by this rule:

– Any consumer product or hazardous substance, defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where you can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.

– Any hazardous waste defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology that describes specific safety, labeling, personnel training, and other rules for the accumulation, handling and management of hazardous waste.

– Any hazardous waste defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency.

– Any hazardous substance defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations.

– Tobacco or tobacco products.

– Wood or wood products, including lumber that will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility. Wood or wood products that have been treated with hazardous chemicals covered by this rule, and wood that may be subsequently sawed or cut, generating dust, are not exempted.

– Articles, meaning manufactured items other than a fluid or particle that:

◆ Are formed to a specific shape or design during manufacture;

◆ Have end use function(s) dependent in whole or in part upon their shape or design during end use; and

◆ Under normal conditions of use, do not release more than very small quantities, for example, minute or trace amounts of a hazardous chemical such as, emissions from a marking pen or a newly varnished wood chair, and do not pose a physical hazard or health risk to employees

– Food or alcoholic beverages that are sold, used, or prepared in a retail establishment such as a grocery store, restaurant, or drinking place, and foods intended for personal consumption by employees while in the workplace.

– Any drug, defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (for example, tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment (for example, over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (for example, first aid supplies). Aerosolized or cytotoxic drugs administered by a health care worker are not excluded.

– Cosmetics packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace.

– Ionizing and nonionizing radiation.

– Biological hazards.

• This rule does not require labeling of the following chemicals:

– Any pesticide defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency.

– Any chemical substance or mixture defined in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act, and labeling requirements issued under that act by the Environmental Protection Agency.

– Any food, food additive, color additive, drug, cosmetic, or medical/veterinary device or product, including materials intended for use as ingredients in such products (for example, flavors and fragrances), are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the Department of Agriculture.

– Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms.

– Any consumer product or hazardous substance defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety rule or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

– Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling requirements issued under that act by the Department of Agriculture.

NEW SECTION

WAC 296-800-180 Material safety data sheets (MSDSs) as exposure records introduction. Important: Exposure records contain information about employees' exposure to toxic substances or harmful physical agents. Material safety data sheets (MSDSs) are one type of exposure record. The preservation of and access to exposure records is necessary to improve detection, treatment, and prevention of occupational diseases.

This rule supplements the chemical hazard communication rule by extending access to MSDSs, or their alternative, after employment and after the hazardous chemical is no longer used in the workplace. Your responsibility:

To preserve and provide access to material safety data sheets (MSDSs) or their alternative as exposure records.

You must:

Preserve exposure records for at least 30 years.

WAC 296-800-18005.

Inform current employees of exposure records.

WAC 296-800-18010.

Provide access to exposure records.

WAC 296-800-18015.

Transfer records when ceasing to do business.

WAC 296-800-18020.

- Note:
- Access to records, WAC 296-62-052, requires the preservation and access to other exposure records including records such as workplace monitoring data and biological monitoring results and medical records. If you keep these other types of employee exposure records or employee medical records, you must comply with these additional requirements.
 - This rule applies to every employer who maintains, makes, contracts for, or has access to MSDSs for chemicals used in their workplace.
 - The specific identity of a toxic substance may be withheld from a disclosable record if it is a verifiable trade secret. For trade secret requirements see WAC 296-62-053.

NEW SECTION

WAC 296-800-18005 Preserve exposure records for at least 30 years. You must:

- Keep material safety data sheets (MSDSs) and analysis using MSDSs for at least thirty years, including current, former, and future employers receiving transferred records. Preserve MSDSs in any form, as long as the information is not altered and is retrievable. You may keep alternative records instead of MSDSs concerning the identity of a substance. The alternative record must also be kept for thirty years and contain the following information:
 - Some record of the identity (chemical name, if known) of a substance or agent
 - Where the substance or agent was used
 - When the substance or agent was used

Note: Keeping alternative records may be less work than you think. When developing your hazard communication program's list of hazardous chemicals (WAC 296-800-17010), add the "where used" and "when used" information required by this rule.

NEW SECTION

WAC 296-800-18010 Inform current employees of exposure records. You must:

- Inform current employees who are, or will be exposed to toxic substance or harmful physical agents of:
 - The existence, location, and availability of material safety data sheets (MSDSs) or alternative records, and any other records covered by this rule.
 - The person responsible for maintaining and providing access to records.
 - Their rights of access to these records.
 - Exposure records when the employee first enters into employment and then once a year thereafter.

Note: Informing employees of the availability of these records may be accomplished by posting, group discussion or by individual notifications.

You must:

- Keep a copy of this rule and make copies available upon request to employees.

- Distribute to employees any informational materials about this rule that are made available to the employer by the department.

NEW SECTION

WAC 296-800-18015 Provide access to exposure records. You must:

- Provide access, whenever requested by an employee (any current, former, or transferred worker) or their designated representative to a relevant exposure record such as material safety data sheets (MSDSs) or their alternative, or analysis using MSDSs or their alternative:
 - In a reasonable time, place, and manner.
 - Within fifteen working days. If the employer cannot meet this requirement, they must inform the requesting party of the reason for the delay and the earliest date the record will be made available.
- Make sure the department has prompt access to any exposure records and related analysis. This must be done without violation of any rights under the Constitution or the Washington Industrial Safety and Health Act that the employer chooses to exercise.

Note: Nothing in this rule is meant to prevent employees and collective bargaining agents from getting access to information beyond that required by this rule.

You must:

- Make sure that whenever an employee or designated representative requests an initial copy of an exposure record, related analysis or new information added to the record:
 - A copy of the record is provided without cost to the employee or their representative or
 - The facilities are made available for copying without cost to the employee or their representative or
 - The record is loaned to the employee or their representative for a reasonable time to enable a copy to be made.

Note: Whenever a record has been previously provided without cost to an employee or designated representative, and they request additional copies, the employer may charge reasonable, non-discriminatory administrative costs (e.g., search and copying expenses, but no overhead expenses).

NEW SECTION

WAC 296-800-18020 Transfer records when ceasing to do business. You must:

- Transfer all material safety data sheets (MSDSs) as exposure records to the successor employer, who must receive and preserve, or keep unchanged, these records.
- If there is no successor to receive and preserve the employee exposure records:
 - Notify affected current employees of their rights of access to records at least 3 months prior to the cessation of the employer's business and
 - Transfer the records to the department, if required by a specific WISHA safety and health rule.

SAFETY BULLETIN BOARD

NEW SECTION

WAC 296-800-190 Summary/rule. Your responsibility: To provide a safety bulletin board.

NEW SECTION

WAC 296-800-19005 Provide a safety bulletin board in your workplace. You must:

- Install and maintain a safety bulletin board in every fixed workplace (establishment) that has eight or more employees. Make sure the safety bulletin board is large enough to post information such as the following:

- Safety bulletins
- Safety newsletters
- Safety posters
- Accident statistics
- Other safety educational material.

Note: You may want to post your emergency phone numbers on the safety bulletin board.

WISHA POSTER

NEW SECTION

WAC 296-800-200 WISHA poster. Your responsibility: To post the WISHA poster, which informs your employees of their job safety and health protection rights.

NEW SECTION

WAC 296-800-20005 Post and keep a WISHA poster in your workplace. You must:

- Post it where it can easily be seen by employees and keep it in good condition.

Note: You can order a free copy of the WISHA Poster (Form F416-081-000) from any labor and industries office. Find the labor and industries office closest to you by:

- Looking at <http://www.wa.gov/lni/pa/direct.htm> or
- Calling 1-800-4BE SAFE (1-800-423-7233) or
- Checking the resources section of this book for regional offices.

LIGHTING

NEW SECTION

WAC 296-800-210 Lighting. Your responsibility: To provide and maintain adequate lighting in your workplace.

NEW SECTION

WAC 296-800-21005 Provide and maintain adequate lighting.

Note: This section establishes minimal levels of lighting for safety purposes only. Guidelines pertaining to optimal levels of lighting and illumination may be found in Practice for Industrial Lighting, ANSI/IES RP7-1979.

You must:

- Provide and maintain adequate lighting for all work activities in your workplace. See the following table.

Lighting Table		
Activity	Minimum acceptable average lighting level in an area:	Any one single measurement used to determine the average lighting level*cannot be less than:
	(Foot-candles)	(Foot-candles)
Indoor task	10	5
Outdoor task	5	2.5
Nontask activities for both indoor and outdoor	3	1.5

*Lighting levels must be measured at thirty inches above the floor/working surface or at the task.

You must:

- Have adequate light for employees to see nearby objects that might be potential hazards or to see to operate emergency controls or other equipment, if general lighting is not available.

Note: • Lighting levels can be measured with a light meter.
• Conversion information: 1 foot-candle = 1 lumen incident per square foot = 10.76 lux.

HOUSEKEEPING, DRAINAGE, AND STORAGE

NEW SECTION

WAC 296-800-220 Housekeeping, drainage, and storage—Summary. Your responsibility: To provide your employees with a clean, dry, pest-free workplace.

Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book.

You must:

Housekeeping

Keep your workplace clean.

WAC 296-800-22005.

Sweep and clean your workplace to minimize dust.

WAC 296-800-22010.

Keep your workplace free of obstacles that interfere with cleaning.

WAC 296-800-22015.

Control pests in your workplace.

WAC 296-800-22020.

Make sure floors are maintained in a safe condition.

WAC 296-800-22022.

Drainage

Keep your workroom floors dry, when practical.

WAC 296-800-22025.

Provide proper drainage.

PERMANENT

WAC 296-800-22030.

Storage areas

Store things safely.

WAC 296-800-22035.

Control vegetation in your storage areas.

WAC 296-800-22040.

HOUSEKEEPING

NEW SECTION

WAC 296-800-22005 Keep your workplace clean.

You must:

- Keep all areas of your workplace, passageways, storage rooms, and service rooms in a clean, orderly and sanitary condition to the extent the nature of the work allows.

NEW SECTION

WAC 296-800-22010 Sweep and clean your workplace to minimize dust. You must:

- Sweep and clean your workplace in a way that minimizes dust in the air as much as possible.
- When practical, clean after hours so that your employees are not exposed to dust in the air on the job.

NEW SECTION

WAC 296-800-22015 Keep your workplace free of obstacles that interfere with cleaning. You must:

- Keep your workplace clear of obstructions such as nails, splinters, loose boards and unnecessary holes and openings to make cleaning easier and more effective.

NEW SECTION

WAC 296-800-22020 Control pests in your workplace. You must:

- Make sure each building in your workplace is constructed, equipped and maintained so it restricts pests from entering or living in it. Pests include animals such as:
 - Rodents (rats, mice, and squirrels)
 - Birds (starlings, pigeons, and swallows)
 - Insects (bees, wasps, and mosquitoes)
- Take steps to effectively control pests in your workplace, if they are detected.
 - Carry out a continuing and effective control program in the areas of your workplace where pests have been detected.

- Note:
- By handling dead or live pests including their waste products, attached parasites and other contaminated materials, your employees may be exposed to certain health risks. These risks include, but are not limited to: Hanta virus, rabies, lyme disease and psittacosis. Contact your local L&I office (see resources section of this book) or the public health department for more information about health risks and proper pest handling and disposal techniques.
 - "Workplace" includes storage areas.

NEW SECTION

WAC 296-800-22022 Make sure floors are maintained in a safe condition. You must:

- Make sure floors are kept free of debris. This includes:
 - Buildings
 - Platforms
 - Walkways and driveways
 - Storage yards
 - Docks
- Use a nonslip coating on all polished floors.

DRAINAGE

NEW SECTION

WAC 296-800-22025 Keep your workroom floors dry, when practical. You must:

- Do the following to help keep your employees dry if wet processes are used in your work area:
 - Maintain drainage away from the work area; and
 - Provide false floors, platforms, or other dry places where employees can stand, where practical, or
 - Provide appropriate waterproof footwear.

NEW SECTION

WAC 296-800-22030 Provide proper drainage. You must:

- Provide all areas where employees work, such as yards, basements, or garages, with adequate drainage.

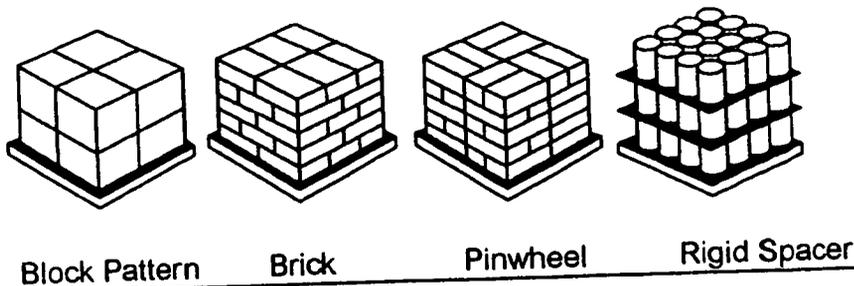
STORAGE AREAS

NEW SECTION

WAC 296-800-22035 Store things safely. You must:

- Store materials so they do not create a hazard.
- Keep workplace storage areas free from accumulation of materials that could create hazards from tripping, fire, or explosion.
 - Secure stored items such as bundles, containers, and bags to prevent them from falling, sliding, or collapsing by doing one or more of the following:
 - Stacking
 - Racking
 - Blocking
 - Interlocking
 - Otherwise securing them
- Make sure stored items are limited in height so that they are stable and secure to prevent sliding or collapse.

Examples of Proper Material Storage



Block Pattern Brick Pinwheel Rigid Spacer

NEW SECTION

WAC 296-800-22040 Control vegetation in your storage areas. You must:

- Control vegetation in your storage areas when necessary to create a safe working environment.

DRINKING WATER, BATHROOMS, WASHING FACILITIES AND WASTE DISPOSAL

NEW SECTION

WAC 296-800-230 Summary. Your responsibility: To provide safe drinking (potable) water, bathrooms, washing facilities, and waste disposal in your workplace

You must:

Provide safe drinking (potable) water in your workplace
WAC 296-800-23005.

Clearly mark the water outlets that are not fit for drinking (nonpotable)
WAC 296-800-23010.

Make sure that systems delivering not-fit-for-drinking water prevent backflow
WAC 296-800-23015.

Provide bathrooms for your employees
WAC 296-800-23020.

Provide convenient, clean washing facilities
WAC 296-800-23025.

Keep containers used for garbage or waste in a sanitary condition
WAC 296-800-23030.

Remove garbage and waste in a way that does not create a health hazard
WAC 296-800-23035.

Note: Some industries may have additional rules on bathrooms and washing facilities. For example:

- WAC 296-62-07308 Carcinogens; general regulated area requirements
- WAC 296-62-31315 Hazardous waste operations and treatment, storage and disposal facilities
- WAC 296-155-140 Construction

WAC 296-115-050
chapter 296-307 WAC

WAC 296-36-160(5)
WAC 296-24-12507

- Charter boats
- Agriculture; indoor sanitation and temporary labor camps
- Compressed air work
- Temporary labor camps

NEW SECTION

WAC 296-800-23005 Provide safe drinking (potable) water in your workplace. You must:

(1) Provide safe drinking (potable) water for employees for:

- Washing themselves
- Personal service rooms
- Cooking
- Washing premises where food is prepared or processed
- Washing food, eating utensils, or clothing

(2) Containers and dispensers

• Make sure your movable, or portable, drinking water dispensers are:

- Capable of being closed
- Kept in sanitary condition
- Equipped with a tap

• Prohibit the use of open containers such as barrels, pails, and tanks from which employees must dip or pour drinking water, even if the containers have covers.

(3) Prohibit employees from using shared drinking cups or utensils.

Definition: Potable water is water that you can safely drink that meets specific safety standards prescribed by the United States Environmental Protection Agency's *National Interim Primary Drinking Water Regulations*, published in 40 CFR Part 141, and 40 CFR 147.2400.

NEW SECTION

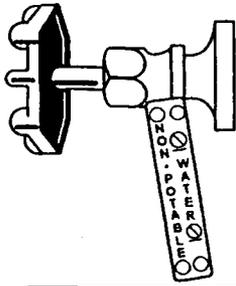
WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable). You must:

(1) Mark nonpotable water outlets, such as those used for industrial processes or firefighting, so that no one will use them for:

- Drinking

PERMANENT

- Washing themselves
- Cooking
- Washing food, eating utensils, or clothing.



Outlets for water not fit to drink must be marked.

(2) Prohibit the use of nonpotable water that could create unsafe conditions such as concentrations of chemicals, for example lead or chlorine, fecal coliform bacteria, or other substances.

- Note: As long as the water does not contain substances that could create unsafe conditions, then nonpotable water can be used for:
- Cleaning work premises that do not involve food preparation or food processing
 - Cleaning personal service rooms, such as bathrooms.

NEW SECTION

WAC 296-800-23015 Make sure that systems delivering not-fit-for-drinking (nonpotable) water prevent backflow into drinking water systems. You must:

- Make sure that systems delivering not-fit-for-drinking (nonpotable) water prevent backflow into drinking water systems.

NEW SECTION

WAC 296-800-23020 Provide bathrooms for your employees.

- Exemption: You do not have to provide bathrooms for:
- Mobile crews, if the employees working there have transportation immediately available to nearby bathrooms that meet the requirements of this rule.
 - Work locations not normally attended by employees, if they have transportation immediately available to nearby bathrooms meeting the requirements of this rule.

You must:

(1) Provide bathrooms with the appropriate number of toilets for your employees at every workplace. See the chart below to determine how many toilets you need at your workplace.

Number of Employees*	Minimum Number of Toilets Required**
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4

81 to 110	5
111 to 150	6
Over 150	One additional toilet for each additional 40 employees

- * The "number of employees" used in this table means the maximum number of employees present at any one time on a regular shift.
- ** A shared bathroom (multiple toilets without enclosures) counts as one toilet no matter how many toilets it contains. In bathrooms used only by men, urinals may be substituted for up to one-third of the required toilets.

You must:

- Have the appropriate number of toilets for each sex, based on the number of male and female employees at your workplace. For example, if you have 37 men and 17 women, you need to have three toilets for the men and two toilets for the women, based on the chart provided in this section.
 - Separate bathrooms for men and women are not required if the bathroom:
 - ◆ Will be occupied by no more than one person at a time
 - ◆ Can be locked from the inside
 - ◆ Contains at least one toilet
 - Make sure each toilet is in a separate compartment with a door and walls, or partitions to assure privacy.
- (2) Provide toilet paper with a toilet paper holder for every toilet.
- (3) Make sure the sewage disposal method does not endanger the health of employees.

NEW SECTION

WAC 296-800-23025 Provide convenient, clean washing facilities. Exemption: You do **not** have to provide washing facilities for:

- Mobile crews, if your employees working there have transportation immediately available to nearby washing facilities meeting the requirements of this rule.
- Work locations not normally attended by employees, if they have transportation immediately available to nearby accessible washing facilities meeting the requirements of this rule.

You must:

- Provide the following for your employees:
 - Convenient, clean washing facilities, including sinks or basins for personal washing
 - Hot and cold water, or lukewarm (tepid), running water in each sink and basin
 - Hand soap or similar cleaning agents
 - Near the sinks and basins provide,
 - Individual paper or cloth hand towels; or individual sections of clean continuous cloth toweling; or warm air blowers for drying hands.

NEW SECTION

WAC 296-800-23030 Keep containers used for garbage or waste in a sanitary condition. You must:

- Do the following to maintain your waste containers:

PERMANENT

- Do not allow garbage to leak out of the containers
- Be able to thoroughly clean the containers
- Make sure containers have tight fitting covers (unless you can keep them sanitary without).

Note: If you can demonstrate that you keep your waste container(s) clean, they do not have to meet the requirements.

NEW SECTION

WAC 296-800-23035 Remove garbage and waste in a way that does not create a health hazard. You must:

- Remove all sweepings, solid and liquid wastes, refuse, and garbage as often as necessary to keep the workplace in a sanitary condition.

ENVIRONMENTAL TOBACCO SMOKE IN THE OFFICE

NEW SECTION

WAC 296-800-240 Summary. Your responsibility: To control exposure to *environmental tobacco smoke* in your office work environment.

You must:

Control tobacco smoke in your building

WAC 296-800-24005.

Control tobacco smoke that comes in from the outside

WAC 296-800-24010.

Note: This rule does not preempt any federal, state, municipal, or other local authority's regulation of indoor smoking that is more protective than this section.

Definition: Office work environment is an indoor or enclosed occupied space where clerical work, administration, or business is carried out. In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.
- Office areas of manufacturing and production facilities, not including process areas.
- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

NEW SECTION

WAC 296-800-24005 Control tobacco smoke in your building. Exemption: The minimum criteria specified in this rule do not apply to outdoor structures provided for smokers such as gazebos or lean-tos.

You must:

- Prohibit *smoking* in your office work environment or
- Restrict *smoking* inside your office work environment to designated enclosed smoking rooms that meet the following minimum criteria:

- Identify *smoking* rooms clearly with signs.

- Make sure the designated *smoking* rooms are not in common areas, such as:

- ◆ Places where nonsmoking employees are required to work or visit

- ◆ Restrooms
- ◆ Washrooms

- ◆ Hallways
- ◆ Stairways
- ◆ Cafeterias/lunchrooms
- ◆ Meeting rooms

- Make sure that no employee is required to enter a designated *smoking* room while someone is smoking there.

- Conduct cleaning and maintenance work in designated *smoking* rooms when smokers are not present.

You must:

- Ventilate designated smoking rooms at a rate of at least 60 cubic feet per minute per smoker (calculated on the basis of the maximum number of smokers expected during the course of a normal working day), which can be supplied by transfer air from adjacent areas.

- Maintain enough negative air pressure in designated *smoking* areas to prevent smoke from migrating into non-smoking areas, at all times.

- Operate a separate mechanical exhaust system in designated *smoking* rooms, to make sure exhausted air moves directly outside, and does not recirculate into nonsmoking areas.

- Prohibit use of the designated *smoking* room if the mechanical exhaust system is not working properly, until repairs are completed.

Note: This ventilation rate is recommended for occupancies of no more than seven people for every 100 square feet of net occupied space in the designated smoking room.

NEW SECTION

WAC 296-800-24010 Control tobacco smoke that comes in from the outside.

You must:

- Use *engineering or administrative controls* to minimize the amount of tobacco smoke that comes into your office(s) from outside the building.

- Make sure that outside smoking areas used by your employees are not close to doorways, air intakes, and other openings that may allow airflow directly into an office.

Note: • By changing the way workers do their job, you can reduce work exposure to potential hazards. These changes are called administrative controls and include such things as:

- Job rotation
- Wetting down dusty areas
- Having employees shower after exposure to potentially harmful substances
- Maintaining equipment properly
- Cleaning up work areas to control the effect of potential hazards

- Engineering controls let you plan or physically change the machinery or work environment to prevent employee exposure to potential hazards. This includes any modification of plant equipment, processes, or materials to reduce employees' exposure to toxic materials or harmful physical agents.

STAIRS AND STAIR RAILINGS SUMMARY

NEW SECTION

WAC 296-800-250 Summary. Your responsibility: To make sure stairs used by employees are safe

Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book.

You must:

Provide fixed stairs where required
WAC 296-800-25005

Provide stairs that minimize hazards
WAC 296-800-25010

Provide handrails and stair railings
WAC 296-800-25015.

Exemptions: This rule does **not** apply to:

- ◆ Stairs used exclusively for fire exit purposes
- ◆ Construction operations (See WAC 296-24-76503 for the specifications for the safe design and construction of fixed general industrial stairs.)
- ◆ Private buildings or residences
- ◆ Articulated stairs (for example, stairs used at a marina)
- ◆ Nonindustrial and "monumental" are excluded as they are not "industrial" stairs; however, when public and private building steps are located at loading or receiving docks, in maintenance areas, etc., or are used exclusively by employees, the requirements of this rule must apply.

- Install fixed stairs where:
 - Employees travel between different levels on a predictable and regular basis.
 - Access to platforms is required to give routine attention to equipment under operation.
 - Daily movement between elevations is required to gauge, inspect, and maintain equipment where those work assignments may expose employees to acids, caustics, gases, or other harmful substances.
 - Carrying tools or equipment by hand is a normal work requirement.
- Not use spiral stairways except as secondary exit routes.

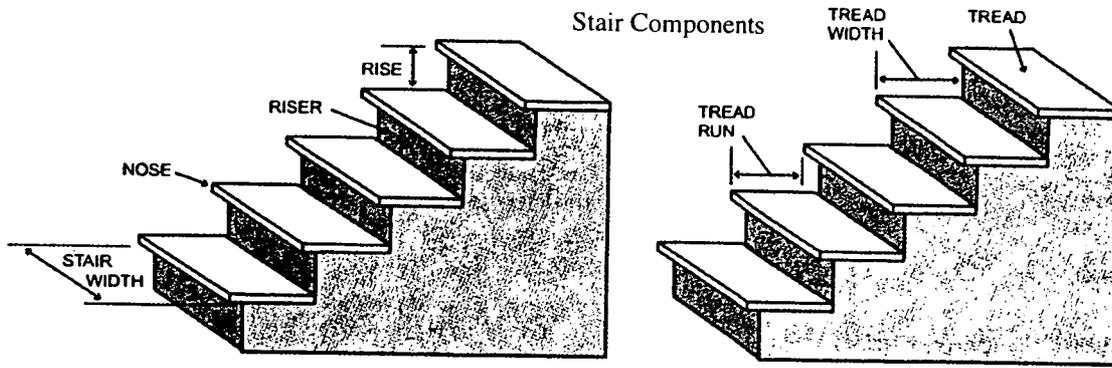
Note: • You can use fixed ladders for climbing elevated structures, such as tanks, towers, and overhead traveling cranes, when their use is common practice in your industry.
• You can use winding stairways on tanks and similar round structures if the structure's diameter is at least five feet.
• You could use a spiral stairway as an exit route in a restricted area that lacks room for a conventional stairway.

Definitions: • A stairway or fixed stairs is a series of steps and landings:
– • Leading from one level or floor to another.
– • Leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment.
– • Used more or less continuously or routinely by employees or only occasionally by specific individuals.
– • With three or more risers.
• A riser is the vertical part of the step at the back of a tread that rises to the front of the tread above.
• A tread is the horizontal part of the step. Tread width is the distance from the front of the tread to the back.

PERMANENT

NEW SECTION

WAC 296-800-25005 Provide fixed stairs where required. You must:



Stair railing is removed to show detail.

NEW SECTION

WAC 296-800-25010 Provide stairs that minimize hazards. You must:

- (1) Make sure stairs have slip-resistant treads.
- (2) Make sure that stairs with four or more risers have:
 - Railings on the open sides of all exposed stairways and stair platforms
 - Handrails on at least one side of closed stairways, preferably on the right side while descending
- (3) Provide a platform where doors or gates open directly on a stairway. The swing of the door must not reduce the effective width of the platform to less than 20 inches.

Note: To see all of the rules for building fixed stairs, refer to WAC 296-24-75011 and 296-24-765 of the General safety and health standard.

NEW SECTION

WAC 296-800-25015 Provide handrails and stair railings.

Exemption: Vehicle service pit stairways are exempt from the rules for stairway railing and guards, if they would prevent a vehicle from moving into a position over the pit.

Definition: • Handrail is a single bar or pipe on brackets from a wall or partition to provide a continuous handhold for persons using a stair.
• Stair railing is a vertical barrier attached to a stairway with an open side, to prevent falls. The top surface of the stair railing is used as a handrail.

You must:

- Make sure stairways less than forty-four inches wide have:
 - At least one handrail, preferably on your right side as you go down the stairs, if both sides are enclosed.
 - At least one stair railing on the open side, if one side is open.
 - One stair railing on each side, if both sides are open.
- Make sure stairways more than forty-four inches wide but less than eighty-eight inches wide have:
 - One handrail on each enclosed side.
 - One stair railing on each open side.
- Make sure stairways at least eighty-eight inches wide have:
 - One handrail on each enclosed side.
 - One stair railing on each open side.
 - One intermediate stair railing located approximately midway of the width.
- Equip winding stairs with a handrail, offset to prevent walking on all portions of the treads, less than six inches wide.

Note: To see all of the rules for building handrails and stairway railings, refer to WAC 296-24-75009 and 296-24-75011.

FLOOR OPENINGS, FLOOR HOLES AND OPEN-SIDED FLOORS

NEW SECTION

WAC 296-800-260 Summary. Your responsibility: To safely guard floor openings, floor holes, and open-sided floors in your workplace.

You must:

Guard or cover floor openings and floor holes.

WAC 296-800-26005.

Protect open-sided floors and platforms.

WAC 296-800-26010.

NEW SECTION

WAC 296-800-26005 Guard or cover floor openings and floor holes.

Definition: A **floor opening** is an opening in any floor, platform, pavement, or yard that measures at least twelve inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes.

The following are **not** considered **floor openings**:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers

A **floor hole** is an opening in any floor, platform, pavement, or yard that measures at least one inch but less than twelve inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

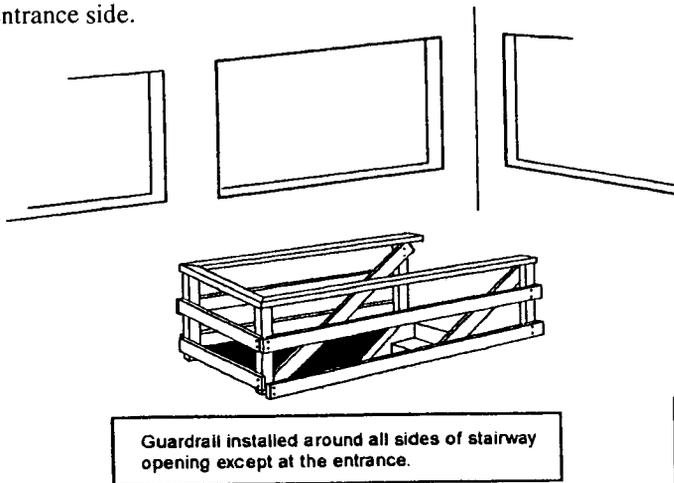
- Belt holes
- Pipe openings

• Slot openings

You must:

(1) Guard stairway floor openings, temporary floor openings and floor holes.

• Protect all stairway floor openings with a railing. The railing must protect all open sides except the stairway entrance side.



• Use a hinged cover and a removable railing where traffic across an infrequently used stairway floor opening prevents the installation of a fixed railing. This removable railing must protect all open sides except the stairway entrance side.

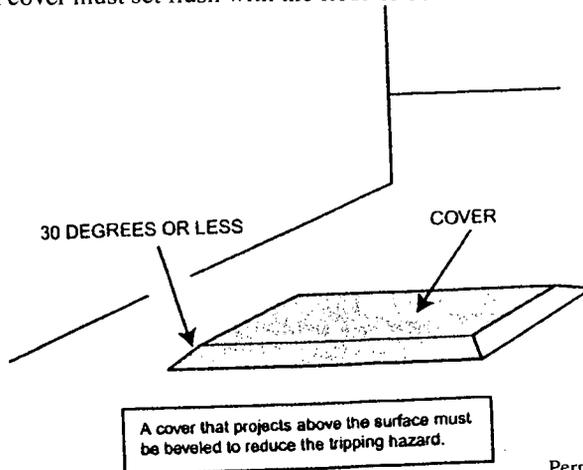
• Protect temporary floor openings by either a railing or by a person who constantly attends the opening.

• Protect exposed floor holes into which a person can accidentally walk by either:

– A railing with a toeboard on all open sides or

– A floor hole cover of standard strength and construction that can be hinged in place. When a floor hole cover is not in place, the hole must be protected by a removable railing or constantly attended by someone.

• Provide covers for floor openings. Floor opening covers may be of any material that has a safety factor of four, or is strong enough to hold up to four times the intended load. Covers that do not project more than one inch above the floor level may be used providing all edges are beveled (slanted) to prevent tripping. All hinges, handles, bolts, or other parts of a cover must set flush with the floor or cover surface.

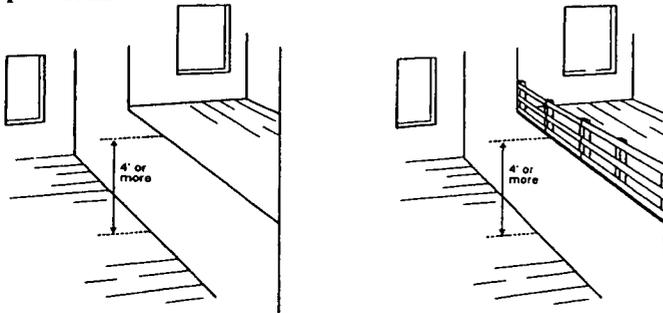


PERMANENT

(2) Prevent tools and materials from falling through a floor hole. The floor hole must be protected by a cover that leaves an opening no more than one inch wide and is securely held in place. This applies only to floor holes that persons cannot accidentally walk into on account of fixed machinery, equipment, or walls.

NEW SECTION

WAC 296-800-26010 Protect open-sided floors and platforms.



OPEN FLOOR (Unguarded)

GUARDED FLOOR

You must:

(1) Guard open-sided floors and platforms.

- Guard open-sided floors and platforms four feet or more above adjacent floor or ground level by a railing. The entrance to a ramp, stairway, or fixed ladder does not need a railing.
- Guard open-sided floors, walkways and platforms above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and other similar hazards, regardless of height with a railing and toeboard.

Note:

- Where the guarding rules above do not apply because employees exposure to falls is infrequent (not on a predictable and regular basis), you must comply with the Personal Protective Equipment (PPE) rules (WAC 296-800-160) or other effective fall protection must be provided.
- You can find the minimum requirements for standard railings of various types of construction in WAC 296-24-75011.

You must:

(2) Make sure tools and loose materials are not left on overhead platforms and scaffolds.

WORKPLACE STRUCTURAL INTEGRITY

NEW SECTION

WAC 296-800-270 Summary. Your responsibility: To make sure that the buildings, floors, and other structures in your workplace are safe, well-built, and not overloaded

You must:

Not overload floors or roofs

WAC 296-800-27005.

Make sure that floors are safe

WAC 296-800-27010.

Make sure floors can support equipment that moves or has motion

WAC 296-800-27015.

Post approved load limits (weight limits) for floors

WAC 296-800-27020.

Note: The introduction has important information about fire, building and electrical codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to fire, building and electrical codes" in the introduction section of this book.

NEW SECTION

WAC 296-800-27005 Do not overload floors or roofs.

You must:

- Prohibit overloading roofs and floors of any building or other structure with more weight than is approved by the building official.

NEW SECTION

WAC 296-800-27010 Make sure that floors are safe.

You must:

- Make sure that floors including their parts and structural members are safe.
- Make sure floors are of substantial construction and kept in good repair. This includes floors of:
 - Buildings
 - Platforms
 - Walks and driveways
 - Storage yards
 - Docks
- Make sure that structures are designed, constructed, and maintained to provide a safety factor of 4 times the imposed maximum strain.
 - If you notice bowing, cracking, or other indications of excessive strain on a structure, you must take action to make sure it is safe.

Note: This rule applies to all buildings or those that have had complete or major changes or repairs built after 5/7/74.

NEW SECTION

WAC 296-800-27015 Make sure floors can support equipment that moves or has motion. You must:

- Make sure flooring of buildings, ramps, docks, trestles and other fixed structures that supports equipment that moves or has motion such as vibration, must not be less than two and one-half inch material.

Note: Where flooring is covered by steel floor plates, 2-inch material may be used.

NEW SECTION

WAC 296-800-27020 Post approved load limits (weight limits) for floors. You must:

- Post approved load limits (weight limits) for floors used for mercantile, business, industrial or storage purposes in an obvious place.
- The owner, or owner's agent, of a building (or other part of a workplace) must post the load approved by the building official by:

PERMANENT

- Supplying and affixing a durable metal sign that is marked with the approved load.
- Placing the metal sign in an obvious spot in the space to which it applies.
- Replacing the metal sign if it is lost, defaced, damaged, or removed.

Note: This rule applies to the floor that supports shelving, but not to the shelves themselves.

BASIC ELECTRICAL RULES

NEW SECTION

WAC 296-800-280 Basic electrical rules. Summary.

You must:

Inspect all electrical equipment your employees use to make sure the equipment is safe.

WAC 296-800-28005.

Make sure all electrical equipment is used for its approved or listed purpose.

WAC 296-800-28010.

Make sure electrical equipment used or located in wet or damp locations is designed for such use.

WAC 296-800-28015.

Make sure electrical equipment that is not marked by the manufacturer cannot be used.

WAC 296-800-28020.

Identify disconnecting means.

WAC 296-800-28022.

Maintain electrical fittings, boxes, cabinets, and outlets in good condition.

WAC 296-800-28025.

Maintain all flexible cords and cables in good condition and use safely.

WAC 296-800-28030.

Guard electrical equipment to prevent your employees from electrical hazards.

WAC 296-800-28035.

Make sure electrical equipment is effectively grounded.

WAC 296-800-28040.

Make sure electrical equipment has overcurrent protection.

WAC 296-800-28045.

Your responsibility: To protect your employees from hazards when working with electrical equipment, tools, and appliances.

Note: • The introduction has important information about fire, building and electrical codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to fire, building and electrical codes" in the introduction section of this book.

• These rules guide how electrical equipment is used and maintained in your workplace. They should not be used in place of your local electrical codes if you are installing electrical wiring, electrical circuits or electrical distribution equipment.

• This rule applies to 600 volts or less. Requirements for specific equipment or special installation are found in chapter 296-24 WAC, Part L.

Exemptions: • These rules apply to all electrical equipment used in the workplace, except for:

- Electrical installations and equipment on ships, aircraft and all automotive vehicles other than mobile homes and recreational vehicles;
 - Electrical installations and equipment used to generate, transmit, transform or distribute power exclusively for operation of rolling stock;
 - Electrical installations used exclusively for signaling and communicating with rolling stock;
 - Installations underground in mines;
 - Installations of communication equipment located outdoors or inside buildings used and controlled exclusively by communication utilities;
 - Installations controlled and used exclusively by electric utilities for communication or metering; or
- For generating, controlling, transforming, transmitting and distributing electric energy in buildings used exclusively by the company located:
- ◆ Outdoors on property owned or leased by the utility; or
 - ◆ On public highways, streets and roads; or
 - ◆ Outdoors by established rights on private property.

NEW SECTION

WAC 296-800-28005 Inspect all electrical equipment your employees use to make sure the equipment is safe. You must:

• Inspect electrical equipment to make sure there are no recognized hazards likely to cause your employees' death or serious physical harm. Determine the safety of the equipment by using the following list:

– Has been approved or listed by a recognized testing laboratory, such as Underwriters Laboratories (UL) or other approving agency.

– Is approved, or listed as approved, for the purpose it is being used.

– Has strong and durable guards providing adequate protection including parts designed to enclose and protect other equipment.

– Is insulated.

– Will not overheat under conditions of use.

– Will not produce arcs during normal use.

– Is classified by:

- ◆ Type.
- ◆ Size.
- ◆ Voltage.
- ◆ Current capacity.
- ◆ Specific use.
- ◆ Other factors.

NEW SECTION

WAC 296-800-28010 Make sure all electrical equipment is used for its approved or listed purpose.

Definitions: Electrical outlets are places on an electric circuit where power is supplied to equipment through receptacles, sockets and outlets for attachment plugs.

Receptacles are outlets that accept a plug to supply electric power to equipment through a cord or cable.

You must:

• Make sure electrical outlets are rated equal or greater to the electrical load supplied.

• Make sure the proper mating configuration exists when connecting the attachment plug to a receptacle.

- Make sure when electrical outlets, cord connectors, and receptacles are joined, they accept the attachment plug with the same voltage or current rating.

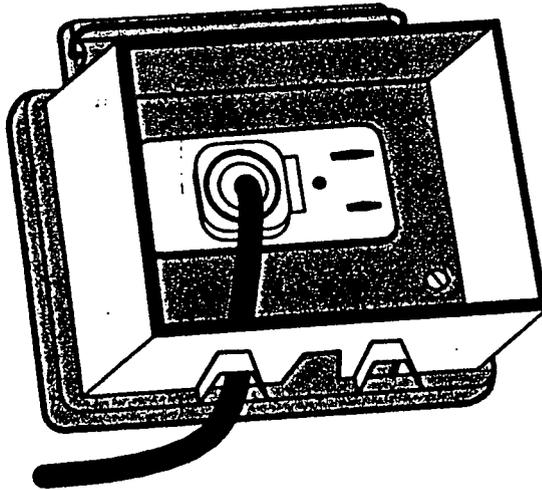
SOME COMMON ELECTRICAL OUTLET (RECEPTACLE) CONFIGURATIONS				
	15 Ampere	20 Ampere	30 Ampere	50 Ampere
Two Pole 3 - Wire Grounding 125 Volt				
Three Pole 3 - Wire 125/250 Volt				

Note: A 20-ampere "T-slot" outlet or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

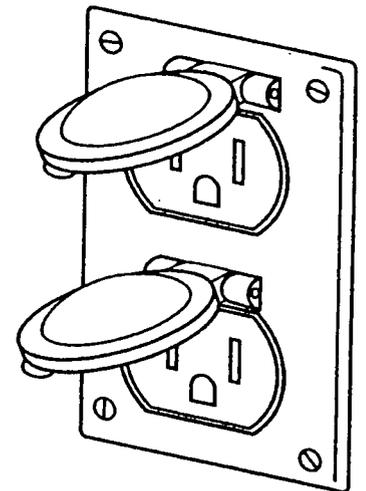
NEW SECTION

WAC 296-800-28015 Make sure electrical equipment used or located in wet or damp locations is designed for such use. You must:

- Make sure fixtures and receptacles located in wet or damp locations are approved for such use. They must be constructed or installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.
- Make sure cabinets, fittings, boxes, and other enclosures in wet or damp locations are installed to prevent moisture or water from entering and accumulating inside.
 - In wet locations these enclosures must be weatherproof.
 - Switches, circuit breakers, and switchboards located in wet locations must be in weatherproof enclosures.



BOX



Electrical equipment used in wet locations must be weatherproof.

NEW SECTION

WAC 296-800-28020 Make sure electrical equipment that is not marked is not used. You must:

- Make sure markings are durable and appropriate to the environment.
- Appropriate markings include:
 - The manufacturer's name.
 - or
 - Trademark.
 - or
 - The organization responsible for the product.
 - and
 - Voltage, current and wattage or other ratings as necessary.



Testing Organization Approval

Manufacturer

Electrical tools and equipment marked to show manufacturer, approvals and power requirements.

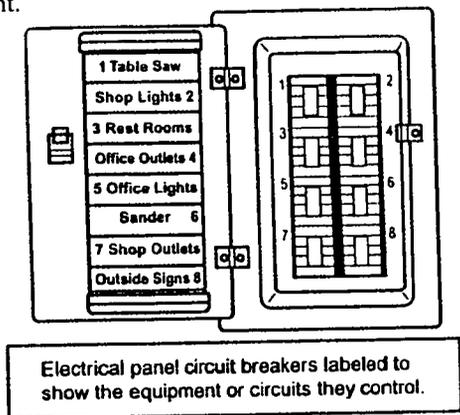
PERMANENT

NEW SECTION

WAC 296-800-28022 Identify disconnecting means.

You must:

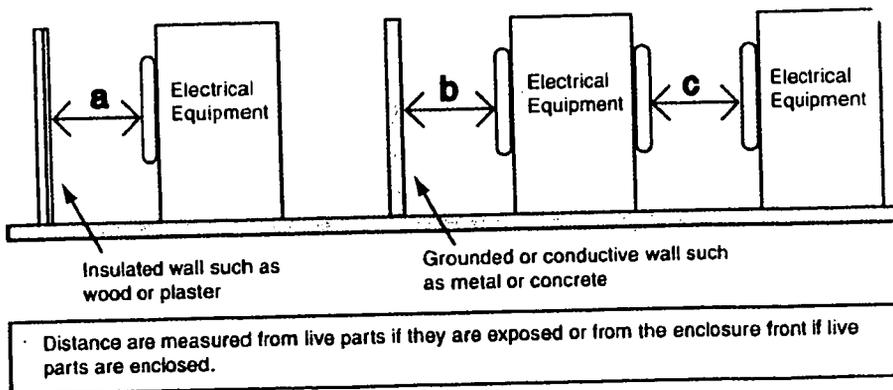
- Make sure the disconnect means (such as on/off switches and circuit breakers) is marked to show when it is open and closed and what equipment it controls, unless located and arranged so the purpose is obvious.
- Make sure each service, feeder and branch circuit is marked, at its disconnecting means or overcurrent device, to show when the circuit is open and closed and what circuit it controls, unless located and arranged so the purpose is obvious.
- Make sure markings are durable and appropriate to the environment.



NEW SECTION

WAC 296-800-28025 Maintain electrical fittings, boxes, cabinets and outlets in good condition. You must:

- (1) Do the following to covers and openings:
- Do the following when conductors enter boxes, cabinets, or fittings:
 - Protect the conductor (wires) from abrasion.
 - Effectively close the openings where conductors enter.
 - Effectively close all unused openings.
 - Provide pull boxes, junction boxes, and fittings with covers approved for the purpose.
 - Make sure each outlet box has a cover, faceplate, or fixture canopy in completed installations.



- Make sure covers for outlet boxes with openings for flexible cord pendants have bushings to protect the cord, or have a smooth and well rounded surface where the cord touches the opening.

- Ground metal covers.

(2) Make sure the area in front of electrical panels, circuit breaker boxes and similar equipment which operates at 600 volts or less:

- Has sufficient working area at least thirty inches wide for operation and maintenance of the equipment.
- Is kept clear and free of stored materials so that employees can access this equipment for servicing, adjustments or maintenance.
- Has at least one access route to provide free and unobstructed access.
- Has at least three feet of working space in front, measured from the exposed live parts or the enclosure front. (See the work clearance table below.)
- Has adequate indoor lighting. (WAC 296-800-210.)
- Has at least six feet three inches of headroom.

This table shows the area you must keep clear depending on the layout of the electrical equipment.

Work Clearance Table

Conditions*	0 - 150 volts to ground	151 - 600 volts to ground
A	3 ft.	3 ft.
B	3 ft.	3 1/2 ft.
C	3 ft.	4 ft.

- Minimum clear distances may be 2 feet 6 inches for equipment built or installed before 3/20/82.
- Conditions A, B, and C are as follows:
 - A= Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated bus bars operating at not over 300 volts are not considered live parts.
 - B= Exposed live parts on one side and grounded parts on the other side.
 - C= Exposed live parts on both sides of the workspace (not guarded as provided in condition (a) with the operator between the panels).

PERMANENT

NEW SECTION

WAC 296-800-28030 Maintain all flexible cords and cables in good condition and use safely.

Exemption: These rules do not apply to cords and cables that are an internal part of factory assembled appliances and equipment, like the windings on motors or wiring inside electrical panels.

Note: Flexible cords and cables are typically used to connect electrical equipment to a power source. These cords can have an electrical plug to connect to a power source or can be permanently wired into the power source. The terms flexible cords, extension cord, cables and electrical cords all refer to a type of flexible cord.

You must:

(1) Perform visual inspections.

• On portable cord- and plug-connected equipment and extension cords before use on each work shift. Defects and damage to look for include:

- Loose parts.
- Deformed or missing pins.
- External defects and damage.
- Damage to the outer covering or insulation.
- Pinched or crushed covering or insulation that might indicate internal damage.

EXEMPTION: You do not need to visually inspect portable cord- and plug-connected equipment and extension cords that

stay connected once in place and are not exposed to damage until they are moved.

You must:

• And remove from service any defective or damaged cord until repaired and tested.

Make sure flexible cords and cables are used as described.

(2) Use.

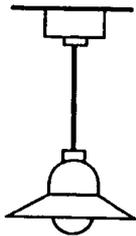
- Use flexible cords only as follows:
 - Wiring of equipment and appliances.
 - Data processing cables approved as a part of the data processing system.
 - Pendants.
 - Wiring for fixtures.
 - Connecting portable lamps or appliances to an approved outlet with an attachment plug.
 - Connecting stationary equipment that is frequently changed with an attachment plug energized from an approved outlet.
 - Preventing noise or vibration transmission.
 - Appliances that have been designed to permit removal for maintenance and repair if the appliance is equipped with an attachment plug energized from an approved outlet.
 - Elevator cables.
 - Wiring of cranes and hoists.

PERMANENT

Common Acceptable Uses of Flexible Cords



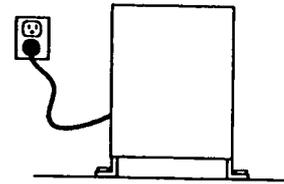
Extension Cord



Pendant Cord Lamp or Control



Portable Appliances Tools and Lamps



Fixed or Stationary Equipment For Easy Maintenance or Replacement

Note: Extension cords (flexible cord sets) may be used on a temporary basis if you follow the rules described in the temporary use section, WAC 296-800-28030(3).

You must:

- Not use flexible cords in the following ways:
 - As a substitute for fixed wiring of a structure.
 - To run through holes in walls, ceilings, or floors.
 - To run through doorways, windows, or similar openings.
 - To attach to building surfaces.
 - To conceal behind building walls, ceilings, or floors.
 - To raise or lower equipment.
- Make sure flexible cords and cables are approved and suitable for:
 - The way they will be used.
 - The location where they will be used.
- Not fasten or hang cords and equipment in any way that could cause damage to the outer jacket or insulation of the cord.
- Make sure insulation on flexible cords and cables is intact.
- Make sure flexible cords and electrical cords are:

- Connected to devices and fittings so that any pulling force on the cord is prevented from being directly transmitted to joints or terminal screws on the plug.

- Used only in continuous lengths without splice* or tap.

• Prohibit your employees from using wet hands to plug or unplug equipment or extension cords if the equipment is energized.

*Note: Hard service flexible cords No. 12 or larger may be repaired or spliced if the insulation, outer sheath properties, and use characteristics of the cord are retained.

You must:

(3) Provide the following for temporary use.

- Make sure temporary electrical power and lighting installations that operate at 600 volts or less are used only:
 - During and for remodeling, maintenance, repair or demolition of buildings and similar activities.
 - Experimental or developmental work.
 - For no more than ninety days for:
 - ◆ Christmas decorative lighting.
 - ◆ Carnivals.
 - ◆ Other similar purposes.

- Make sure flexible cords and electrical cords used on a temporary basis are protected from accidental damage:
 - By avoiding sharp corners and projections
 - If they pass through doorways or other pinchpoints.

NEW SECTION

WAC 296-800-28035 Guard electrical equipment to prevent your employees from electrical hazards. You must:

(1) Guard live parts of electric equipment operating at 50 volts or more against accidental contact by any of the following means:

- By approved cabinets or other forms of approved enclosures.

- By location in a room, vault, or similar enclosure that is accessible only to employees qualified to work on the equipment. Entrances to rooms and other guarded locations containing exposed live parts must be marked with conspicuous warning signs forbidding unqualified persons to enter.

- By permanent, substantial partitions or screens so that only employees qualified to work on the equipment will have access within reach of the live parts. Any openings must prevent accidental contact with live parts by employees or objects employees carry.

- By location on a balcony, gallery, or platform that will exclude unqualified persons.

- By being located eight feet or more above the floor or other working surface.

(2) Make sure all electrical appliances, fixtures, lampholders, lamps, rosettes, and receptacles do not have live parts normally exposed to employee contact.

- Rosettes and cleat type lampholders at least 8 feet above the ground may have exposed parts.

(3) In locations where electric equipment would be exposed to physical damage, enclosures or guards must be so arranged and of such strength as to prevent such damage.

NEW SECTION

WAC 296-800-28040 Make sure electrical equipment is effectively grounded. You must:

- Make sure the path to ground from circuits, equipment, and enclosures is permanent and continuous.

- Make sure equipment connected by cord and plug is grounded under these conditions:

- Equipment with exposed noncurrent carrying metal parts.

- Cord and plug connected equipment which may become energized.

- Equipment that operates at over 150 volts to ground.

Exemption: Except for guarded motors and metal frames of electrically heated appliances, if the appliance frames are permanently and effectively insulated from ground.

- Equipment in hazardous locations. (WAC 296-24-95613)

- Ground the following type of equipment:

- Hand-held motor-operated tools.

- Refrigerators.

- Freezers.

- Air conditioners.

- Clothes washers and dryers.

- Dishwashers.

- Electrical aquarium equipment.

- Hedge clippers.

- Electric lawn mowers.

- Electric snow blowers.

- Wet scrubbers.

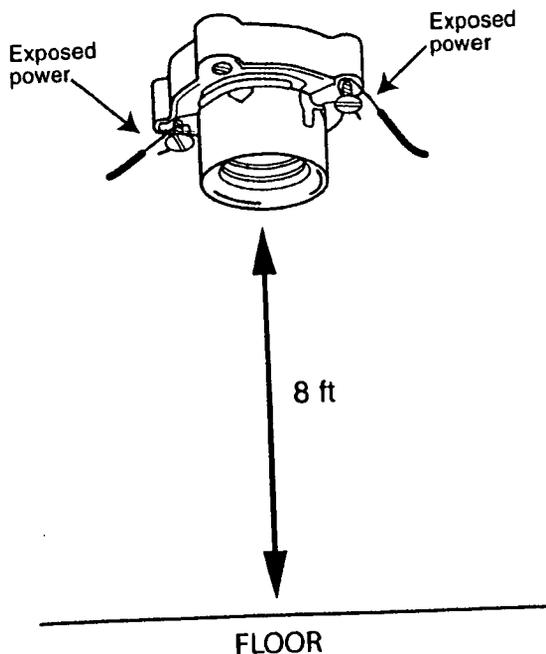
- Tools likely to be used in damp or wet locations.

- Appliances used by employees standing on the ground, on metal floors or working inside of metal tanks or boilers.

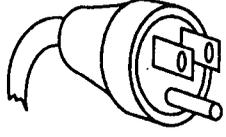
- Portable hand lamps.

Note: Grounding can be achieved by: Using tools and appliances equipped with an equipment grounding conductor (three-prong plug and grounded electrical system).

Live Parts Guarded by Distance



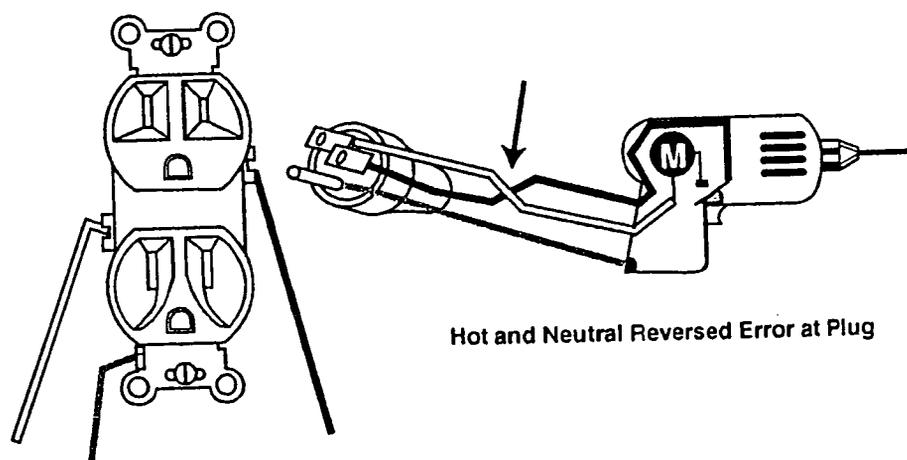
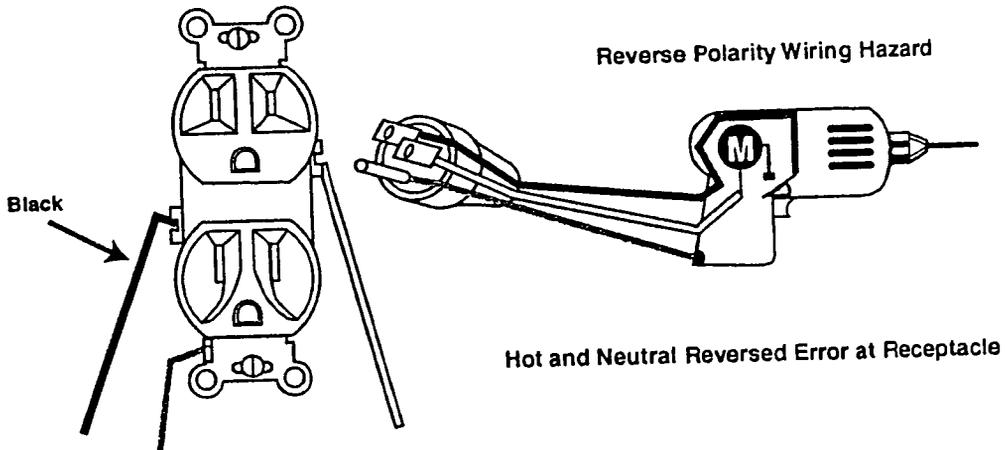
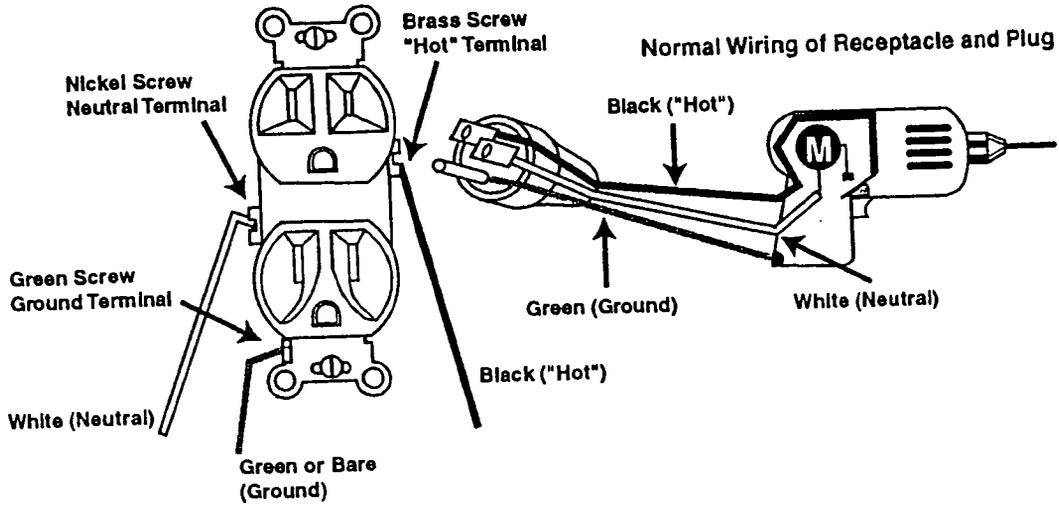
PERMANENT

Grounded Plug	Double Insulated
	<p data-bbox="694 226 910 267">Double Insulated</p> 
<p data-bbox="397 343 1187 394">Hand held tools and some other types of equipment must use a 3-wire plug or the tool label must show the tool as insulated by words or symbol.</p>	

You must:

- Make sure exposed metal parts of fixed equipment that do not conduct electricity, but may become energized, are grounded if the equipment is in a wet or damp location and is not isolated.
- Make sure ground wires are identified and look different than the other conductors (wires).
- Make sure ground wires are not attached to any terminal or lead to reverse polarity of the electrical outlet or receptacle.
- Make sure grounding terminals or grounding-type devices on receptacles, cords, connectors, or attachments plugs are not used for purposes other than grounding.

PERMANENT



Reverse polarity wiring can cause a faulty tool to start as soon as it is plugged in or not stop when the switch is released. This could cause an injury. An extremely dangerous type of reverse polarity wiring switches the hot and ground wires. This causes the body of the tool or appliance to be "hot". Touching the tool and conductive surface can result in serious or even deadly shock.

PERMANENT

NEW SECTION

WAC 296-800-28045 Make sure electrical equipment has overcurrent protection. You must:

- Make sure all electrical circuits that are rated at 600 volts or less have overcurrent protection.
- Protect conductors and equipment according to their ability to safely conduct electrical current.
- Make sure overcurrent devices do not interrupt the continuity of grounded conductors unless:
 - All conductors are opened at the same time or
 - You are using the overcurrent devices to protect from overload when running motors
 - You protect employees from electrical arcing or suddenly moving electrical parts by locating fuses and circuit breakers in safe places. If this is not possible, install shields on fuses and circuit breakers.
- Make sure the following fuses and thermo cutouts have disconnecting mechanisms:
 - All cartridge fuses accessible to nonqualified persons
 - All fuses on circuits over 150 volts to ground
 - All thermal cutouts on circuits over 150 volts to ground.
 - The disconnecting mechanisms must be installed so you can disconnect the fuses or thermal cutouts without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.
- Provide easy access to overcurrent devices for each employee or authorized building management personnel.
- Protect the overcurrent devices by locating them away from easily ignitable material.
 - They must be placed to avoid exposure to physical damage.
- Make sure circuit breakers:
 - Clearly indicate when they are open (off) and closed (on)
 - That operate vertically are installed so the handle is in the "up" position when the breaker is closed (on). See WAC 296-24-95603 (2)(c) for more information
 - Used as switches in 120-volt, fluorescent lighting circuit must be approved for that purpose and marked "SWD." See WAC 296-24-95603 (2)(c) for more information.
 - That have arcing or suddenly moving parts, are shielded or located so employees will not get burned or injured by the operation of the circuit breaker
 - ◆ Fuses must also be shielded in this way

PORTABLE LADDERS: METAL AND WOODEN

NEW SECTION

WAC 296-800-290 Summary. Your responsibility: To make sure the portable ladders in your workplace are used safely and kept in good condition.

Portable metal ladders.

You must:

Inspect your portable metal ladders periodically.

WAC 296-800-29005.

Make sure your portable metal ladders are kept in good condition.

WAC 296-800-29010.

Use your portable metal ladders safely.

WAC 296-800-29015.

Portable wooden ladders.

You must:

Inspect your portable wooden ladders frequently.

WAC 296-800-29020.

Make sure your portable wooden ladders are kept in a good condition.

WAC 296-800-29025.

Use your portable wooden ladders safely and for their intended purpose.

WAC 296-800-29030.

Safely use a portable wooden ladder when working more than 25 feet above ground.

WAC 296-800-29035.

Use wooden stepladders safely.

WAC 296-800-29040.

Exemption: These rules apply to common types of portable wooden ladders except:

- Fruit picker ladders
- Industrial tripod ladders
- Combination step and extension ladders
- Stockroom step ladders
- Aisle way step ladders
- Shelf ladders
- Library ladders
- Other special ladders

Note: • For design and construction requirements for wood and metal ladders, see WAC 296-24-780 and 296-24-79503 of the General safety and health standard.
 • There are different types of ladders. Be sure to use one that is capable of handling the combined weight of the climber and the load being carried (working load).

Type	Duty Rating	Working Load
IAA	Industrial	Special duty—375 lbs. maximum
IA	Industrial	Extra heavy—300 lbs. maximum
I	Industrial	Heavy—250 lbs. maximum
II	Commercial	Medium—225 lbs. maximum
III	Household	Light—200 lbs. maximum

PORTABLE METAL LADDERS

NEW SECTION

WAC 296-800-29005 Inspect your portable metal ladders periodically. You must:

- Immediately inspect a ladder if it:
 - Tips over.
 - Is exposed to oil or grease.
 - Is exposed to excessive heat as in the case of fire.
 - Is subjected to certain acids or alkali solutions.
- If it tips over, look at:
 - The rails for dents, bends or dented rungs.
 - All the rungs to side rail connections.
 - The hardware connections.
 - Rivets for shear damage.

PERMANENT

- Inspect the cables and ropes on portable metal ladders and replace them if they are defective
- Check hardware fittings and accessories frequently and keep them in good condition
- Mark defective ladders and take them out of service until repaired by a maintenance department or the manufacturer.

- Store your portable metal ladders on racks designed to protect them when not in use. The racks must have enough supporting points to prevent any possibility of excessive sagging.

- Properly support your ladder while transporting on vehicles. To prevent chafing and the effects of road shock, use supports that are made of material softer than the metal ladder, such as hardwood or rubber-covered iron pipe.

Note: Tying the ladder to each support point will greatly reduce damage due to road shock.

NEW SECTION

WAC 296-800-29010 Make sure your portable metal ladders are kept in good condition. You must:

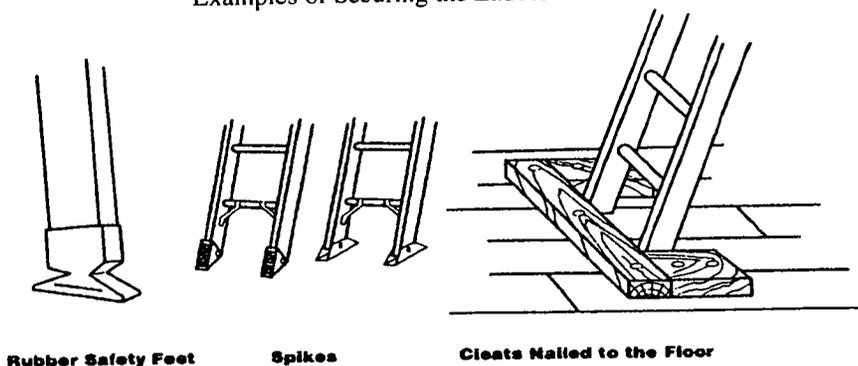
- Maintain your portable metal ladders in good, usable condition, at all times.
- Handle portable metal ladders with care and avoid dropping, jarring, or misusing them.

NEW SECTION

WAC 296-800-29015 Use your portable metal ladders safely. You must:

- (1) Use metal ladders only for their intended purpose.
- (2) Make sure the base section of the portable metal ladder has secure footing.

Examples of Securing the Ladder Base



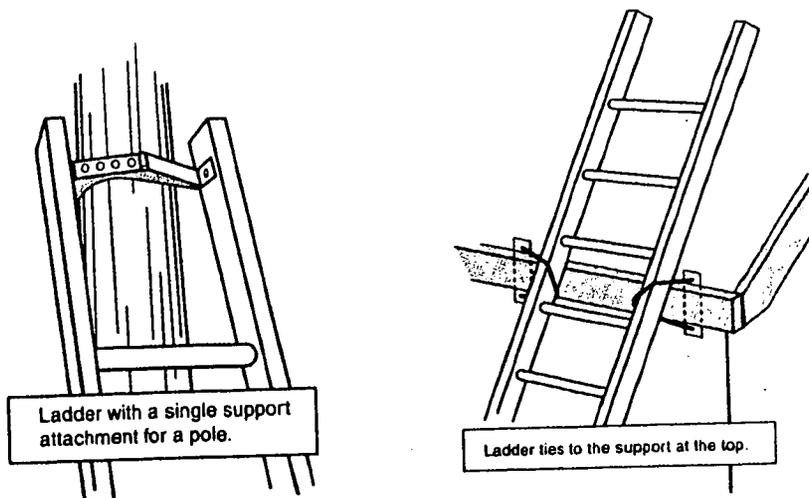
Rubber Safety Feet

Spikes

Cleats Nailed to the Floor

- (3) Make sure both rails are supported at the top, unless the ladder has a single support attachment.

Examples of Securing the Ladder at the Top



Ladder with a single support attachment for a pole.

Ladder ties to the support at the top.

PERMANENT

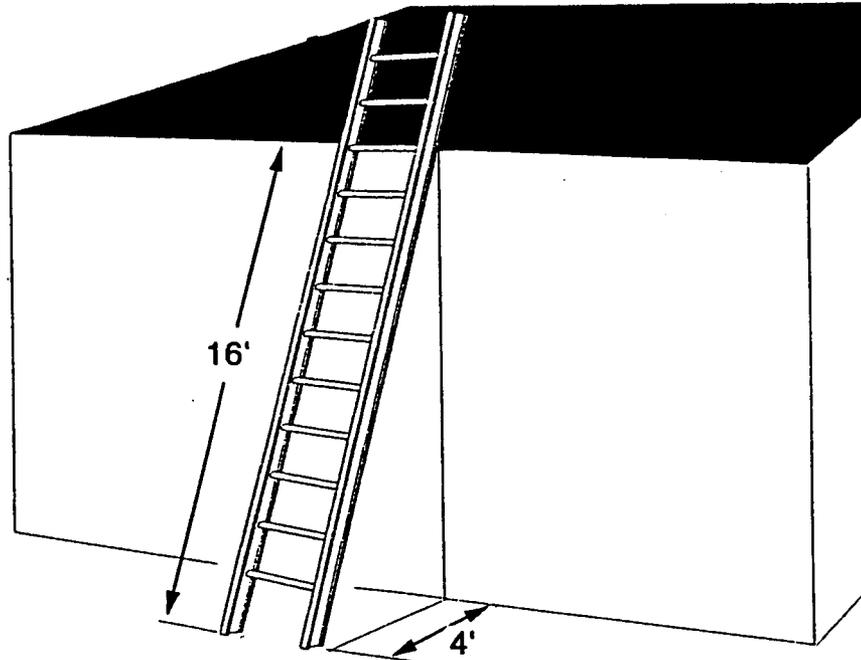
(4) Make sure while climbing portable metal ladders, you:

- Have both hands free to hold on to the ladder.
- Face the ladder when you are climbing up or down.

(5) Not tie or fasten ladder sections together to make longer ladders (unless the ladder manufacturer endorses this type of use, and you have hardware fittings specifically for this use).

(6) Make sure a nonself-supporting portable ladder is set at a safe angle. The proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.

Note: Safe ladder angle. A simple rule for setting up a ladder at the proper angle is to place the base a distance from the wall, equal to 1/4 the working length of the ladder. For example, if your ladder is 16 feet long, set the bottom of the ladder 4 feet away from the wall.



PORTABLE WOODEN LADDERS

NEW SECTION

WAC 296-800-29020 Inspect your portable wooden ladders frequently. You must:

- Make sure ladders with defects are:
 - Withdrawn from service to be repaired or destroyed
 - Tagged as "dangerous do not use."

NEW SECTION

WAC 296-800-29025 Make sure your portable wooden ladders are kept in a good condition. You must:

- Make sure your portable wooden ladders are maintained in good condition, and:
 - Joints between the steps or rungs and side rails are tight
 - Hardware and fittings are securely attached
 - Moveable parts operate freely without binding or excessive play
 - Metal bearings are lubricated frequently
 - Frayed or badly worn ropes is replaced
 - Safety feet and other auxiliary equipment are kept in good condition
- Not use portable wooden ladders with:

- Broken or missing steps
- Broken or missing rungs or cleats
- Broken side rails
- Other faulty equipment
- Not make improvised repairs on your portable wooden ladders.
- Not store your portable wooden ladders near sources of heat, moisture, or dampness.

NEW SECTION

WAC 296-800-29030 Use your portable wooden ladders safely and for their intended purpose. You must:

- (1) Use the appropriate length of ladder.
 - Use single ladders less than or equal to 30 feet long.
 - Use 2-section extension ladders less than or equal to 60 feet long.
- (2) Make sure ladders meet the following rules:
 - Shorter sections cannot be spliced to make longer sections.
 - Ladders can be made by fastening cleats across a single rail.
- (3) Use ladders safely.
 - Make sure ladders are not used as guys, braces, or skids.

PERMANENT

- Putting ladders on boxes, barrels or other unstable bases to make the ladder taller is not allowed.
- Make sure ladders are not used in a horizontal position.
- (4) Make sure that rung and cleat ladders are set up at a safe angle. (See note and illustration on safe ladder angle in WAC 296-800-29015.)

(5) Make sure that where the top of the ladder rests is reasonably rigid and strong enough to support the load.

(6) Place the bottom of a portable wooden ladder so it will not slip, or the bottom must be tied or held in position.

(7) Not place a portable wooden ladder in front of doors that open towards the ladder, UNLESS YOU:

- Block the door open, or
 - Lock the door, or
 - Guard the door to keep it from opening into the ladder
- (8) Make sure 2-section extension ladders overlap as follows:

Length of section of extension ladders (feet)	Minimum overlap allowed (feet)
Less than 36	3
37-48	4
49-60	5

(9) Make sure ladders with metal reinforced rails are used with the reinforcement on the underside to avoid hazards such as tripping and electrocution.

(10) Not place ladders in elevator shafts and hoistways, except where used by workers assigned to that type of work.

- Employees must be protected from falling objects, when assigned to work on ladders in elevator shafts and hoistways.

(11) Not support more than one section of plank per ladder rung.

- Do not allow more than 2 persons on one section of planking at a time.

(12) Brace the ladder to reduce the spring caused by weight on the ladder.

(13) Keep shoes free and clean of greasy and slippery substances when climbing.

(14) Have both hands free to hold on to the ladder when climbing.

NEW SECTION

WAC 296-800-29035 Safely use a portable wooden ladder when working more than 25 feet above ground.

You must:

- (1) Secure the ladder at the top and bottom.
- (2) Not perform work that requires the use of both hands unless wearing a safety belt and lanyard secured to the ladder.
- (3) Not perform work requiring eye protection, respirators and/or pressure equipment if thirty feet above the ground.

NEW SECTION

WAC 296-800-29040 Use wooden stepladders safely.

You must:

- (1) Use stepladders that are less than twenty feet.

- (2) Not climb on the bracing or the back legs.
- (3) Not use as single ladders.
- (4) Not stand on a step higher than the third step from the top, if working five feet or higher from the ground.
- (5) Not use the tops of stepladders as steps.

PORTABLE FIRE EXTINGUISHERS

NEW SECTION

WAC 296-800-300 Summary—Portable fire extinguishers. Important:

The following WISHA rule applies to the placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees. Your local fire marshal also enforces fire codes which address fire safety that are more comprehensive and may go beyond WISHA rules.

Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire and electrical codes" in the introduction section of this book.

Your responsibility:

To provide readily accessible, appropriate portable fire extinguishers for employees in your workplace

You must:

Provide portable fire extinguishers in your workplace
WAC 296-800-30005

Select and distribute portable fire extinguishers in your workplace
WAC 296-800-30010

Make sure that portable fire extinguishers are kept fully charged, in good operating condition, and left in their designated places
WAC 296-800-30015

Inspect and test all portable fire extinguishers
WAC 296-800-30020

Train your employees to use portable fire extinguishers
WAC 296-800-30025

Exemptions:

- You are exempt from the requirements of portable fire extinguishers if you have the following:

You have:

- A written fire safety policy that requires the immediate and total evacuation of employees from the workplace when there is a fire alarm signal,

AND

- An emergency action plan and a fire prevention plan which meet the requirements of WAC 296-24-567

AND

- Portable fire extinguishers in your workplace that are not accessible for employee use

- If another WISHA rule requires portable fire extinguishers, then you must comply with these requirements.

- Where extinguishers are provided but are not intended for employee use and you have an emergency action plan and a fire prevention plan (which meet the requirements of WAC 296-24-567), then only the requirements of WAC 296-800-30020 apply.

PERMANENT

NEW SECTION

WAC 296-800-30005 Provide portable fire extinguishers in your workplace. You must:

- (1) Provide approved portable fire extinguishers for your workplace and distribute them so they are readily accessible
 - Make sure that your portable fire extinguisher does not use extinguishing agents such as carbon tetrachloride or chlorobromomethane extinguishing agents. In addition, soda-acid foam, loaded stream, anti-freeze and water extinguishers of the inverting type shall not be recharged or placed into service.
- (2) Mount, locate, and identify portable fire extinguishers so employees can easily reach them, without being subjected to possible injury.

NEW SECTION

WAC 296-800-30010 Select and distribute portable fire extinguishers in your workplace. Exemption:

- This does not apply to the portable fire extinguishers provided for employees to use outside of workplace buildings or structures.
 - You are exempt from the distribution requirements of this rule if you have an emergency action plan (that meets requirements of WAC 296-24-567):
 - Which designates certain employees to be the only employees authorized to use the available portable fire extinguishers; and
 - Requires all other employees in the fire area to immediately evacuate the affected work area upon the sounding of the fire alarm
- You must:
- Provide the correct type of portable fire extinguishers and distribute them in your workplace, depending on the type, size, and severity of fire that could occur
 - The type of portable fire extinguishers you must have in your workplace depends on the types of fire hazards that exist in your workplace

Fire Extinguisher Distance Table

Type of fire hazard	Maximum distance from the fire hazard to a fire extinguisher
Type of fire hazard Wood, cloth, paper, rubber (Class A fire hazards)	No more than 75 feet (22.9 m) Note: You may use uniformly spaced standpipe systems or hose stations instead of Class A portable fire extinguishers, if they meet the requirements of WAC 296-24-602 or 296-24-607.

Liquids, grease, gases (Class B fire hazards)	No more than 50 feet (15.2 m) Note: You may choose to use a smaller fire extinguisher in lieu of that required for the 50 foot distance. If you do choose to have the smaller fire extinguisher, the travel distance must not be greater than 30 feet. See UFC Standard 10 Chapter 3 for the basic minimum extinguisher rating allowed.
Live electrical using equipment and circuits (Class C fire hazards)	Distribute any Class C portable fire extinguishers the same pattern that you have for any Class A or Class B fire hazards. If the electrical equipment is deenergized, you may use a Class A or Class B portable fire extinguisher.
Powder, flakes, and residue from combustible metals, like magnesium and titanium, that build up over a 2-week period (Class D fire hazards)	No more than 75 feet (22.9 m)

NEW SECTION

WAC 296-800-30015 Make sure that portable fire extinguishers are kept fully charged, in operable condition, and left in their designated places. You must:

- Make sure that fire extinguishers found with deficiencies are removed from service and replaced with a suitable fire extinguisher.

NEW SECTION

WAC 296-800-30020 Inspect and test all portable fire extinguishers. You must:

- Perform inspections:
 - Make sure that portable fire extinguishers or hose systems (used instead of fire extinguishers) are visually inspected monthly
 - Perform maintenance checks:
 - Make sure that all portable fire extinguishers are subjected to an annual maintenance check
 - Keep records of all annual maintenance checks and make available to the department upon request:
 - ◆ For 1 year after the last maintenance check;
 - OR
 - ◆ For the life of the shell, whichever is less
 - Make sure that equal protection is provided when portable fire extinguishers are removed from service for maintenance and recharging
- Exemption: Most stored pressure extinguishers do not require an internal examination. Examples of those that do require an internal examination are those containing a loaded stream agent.

PERMANENT

You must:

- Perform hydrostatic testing:

Exemption:

- Dry chemical extinguishers that have nonrefillable disposable containers are exempt from this requirement.
- Manually pressurized pumptanks are exempt from this requirement.

You must:

- Make sure that portable extinguishers are hydrostatically tested:
 - At the intervals listed in Table 1 page 300-7
 - Whenever they show evidence of corrosion or mechanical injury
- Not perform hydrostatic testing on fire extinguishers if:
 - The unit has been repaired by soldering, welding, brazing, or use of patching compounds
 - The cylinder or shell threads are damaged
 - Corrosion has caused pitting, including corrosion under removable name plate assemblies
 - The extinguisher has been burned in a fire
 - Calcium chloride extinguishing agents have been used in a stainless steel shell

Note: Specific rules regarding conducting hydrostatic tests are covered in WAC 296-24-59212.

You must:

- Maintain records showing that hydrostatic testing has been performed. Provide the following evidence to the department upon request:
 - Date of test
 - Test pressure used
 - The serial number, or other identifier of the fire extinguisher that was tested
 - Person or agency performing the test
 - Keep records until:
 - The extinguisher is retested;
- OR
- The extinguisher is taken out of service, whichever comes first
 - Empty and maintain stored-pressure dry chemical extinguishers requiring a 12-year hydrostatic test, every six years:
 - When recharging or hydrostatic testing is performed, the 6-year requirement begins from that date

Hydrostatic Test Table

Type of Extinguisher	Test Interval (Years)
Stored pressure water and/or antifreeze	5
Wetting agent	5
Foam (stainless steel shell)	5
Aqueous film forming form (AFFF)	5
Loaded stream	5
Dry chemical with stainless steel	5
Carbon dioxide	5

Dry chemical, stored pressure, with mild steel, brazed brass or aluminum shells	12
Halon 1211	12
Halon 1301	12
Dry powder, cartridge or cylinder operated, with mild steel shell	12

Note: Stored pressure water extinguishers with fiberglass shell (pre-1976) are prohibited from hydrostatic testing due to manufacturer's recall.

NEW SECTION

WAC 296-800-30025 Train your employees to use portable fire extinguishers. You must:

- Train your employees where you have provided portable fire extinguisher for their use in:
 - The hazards involved with incipient stage fire fighting (the early stage of a fire when it can be extinguished by a portable fire extinguisher)
 - The general principles of fire extinguisher use
- Provide the training when they are first hired and then annually.

EXIT ROUTES AND EMPLOYEE ALARM SYSTEMS

NEW SECTION

WAC 296-800-310 Summary. Your responsibility: To provide and maintain emergency exit routes and to install and maintain adequate employee alarm systems.

Exemption: This rule does not apply to vehicles, vessels, or other mobile structures.

Note: The introduction has important information about building, electrical and fire codes that may apply to you in addition to WISHA rules. See "How do the WISHA rules relate to building, fire, and electrical codes" in the introduction section of this book.

Exit routes:

You must:

- Provide an adequate number of exit routes. *WAC 296-800-31005.*
- Make sure that exit routes are large enough. *WAC 296-800-31010.*
- Make sure that exit routes meet their specific design and construction requirements. *WAC 296-800-31015.*
- Make sure that each exit route leads outside. *WAC 296-800-31020.*
- Provide unobstructed access to exit routes. *WAC 296-800-31025.*
- Exit doors must be readily opened from the inside. *WAC 296-800-31030.*
- Use side-hinged doors to connect rooms to exit routes. *WAC 296-800-31035.*
- Provide outdoor exit routes that meet requirements. *WAC 296-800-31040.*

PERMANENT

Minimize danger to employees while they are using emergency exit routes.

WAC 296-800-31045.

Mark exits adequately.

WAC 296-800-31050.

Provide adequate lighting for exit routes and signs.

WAC 296-800-31053.

Maintain the fire retardant properties of paints or other coatings.

WAC 296-800-31055.

Maintain emergency safeguards.

WAC 296-800-31060.

Maintain exit routes during construction and repair.

WAC 296-800-31065.

Provide doors in freezer or refrigerated rooms that open from the inside.

WAC 296-800-31067.

Employee alarm systems:

You must:

Install and maintain an appropriate employee alarm system.

WAC 296-800-31070.

Establish procedures for sounding emergency alarms.

WAC 296-800-31075.

Test the employee alarm system.

WAC 296-800-31080.

EXIT ROUTES

NEW SECTION

WAC 296-800-31005 Provide an adequate number of exit routes. You must:

- Provide a minimum of two exit routes to provide different ways for employees to leave the workplace safely during an emergency (at least two of the exit routes must be remote from one another so employees can safely exit if one exit route becomes blocked or unavailable).

- Provide an adequate number (at least two) of exit routes, considering the kind, number, location and capacity, appropriate to each building according to the following conditions:

- Number of employees
- Size of building
- Arrangement of workplace
- Building occupancy

Note: A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicates that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where only one exit route is provided.

NEW SECTION

WAC 296-800-31010 Make sure that exit routes are large enough. You must:

- Make sure each exit route is large enough to accommodate the maximum-permitted occupant load for each floor served by the route.

- Make sure the capacity of an exit route does not decrease at any point.

- Make sure an exit route is at least 6 feet 8 inches high at all points.

- Make sure objects that stick out into the exit route, such as fans hanging from the ceilings or cabinets on walls, do not reduce the minimum height and width of the exit route.

- Make sure exit routes are at least 28 inches wide at all points between any handrails.

- If necessary, routes must be wider than 28 inches to accommodate the expected occupant load.

NEW SECTION

WAC 296-800-31015 Make sure that exit routes meet their specific design and construction requirements. You must:

- Make sure each exit is a permanent part of the workplace.

- Make sure an exit route has only those openings necessary to permit access to, or exit from, occupied areas of the workplace.

- Make sure any opening into an exit through a fire wall is protected by a self-closing fire door that remains closed.

- Make sure each fire door, its frame, and its hardware is listed or approved by a nationally recognized testing laboratory.

- Make sure construction materials, used to separate an exit route, have at least:

- One-hour fire resistance rating if the exit connects three stories or less.

- Two-hour fire resistance rating if the exit connects four stories or more.

- Make sure employees are provided with stairs or a ramp, if the exit route is not substantially level.

NEW SECTION

WAC 296-800-31020 Make sure that each exit route leads outside. You must:

- Make sure that building exit routes lead:

- Directly outside or to a street, walkway; or to an open space with access to the outside.

- To streets, walkways, or open spaces large enough to accommodate all building occupants likely to use the exit.

- Make sure the exit routes clearly show the route employees use to leave the building in an emergency.

- Install a standard safeguard with a warning sign, if a doorway or corner of a building could allow an employee to walk in front of an engine or trolley.

- Use doors, partitions, or other effective means to show employees the correct route out of the building, if the stairs in your exit route lead anywhere but out of the building.

Note: If the stairs in your exit route lead past the exit to the basement, you might install a gate at the point they lead towards that basement. The gate could help your employees stay on the exit route taking them out of the building.

NEW SECTION

WAC 296-800-31025 Provide unobstructed access to exit routes. You must:

- (1) Provide exit routes that are always free of obstructions so all employees can safely exit the building during an emergency.
- (2) Make sure employees are not required to travel to a dead end or through a room that can be locked, such as a restroom.

NEW SECTION

WAC 296-800-31030 Exit doors must be readily opened from the inside.

Exemption: An exit door may be locked or blocked from the inside in a mental, penal, or correctional institution, if supervisory personnel are continuously on duty and a plan exists to remove employees and inmates during an emergency.

You must:

- Make sure all exit doors readily open from the inside without keys, tools, or special knowledge. A device that locks only from the outside, such as a panic bar, is permitted. An exit door must be free of any device or alarm that could restrict emergency use of an exit if the device or alarm fails.

NEW SECTION

WAC 296-800-31035 Use side-hinged doors to connect rooms to exit routes. You must:

- Use a side-hinged exit door to connect any room to an exit route. The door must swing out when the room:
 - Is occupied by more than fifty persons; or
 - Contains highly flammable or explosive materials.

NEW SECTION

WAC 296-800-31040 Provide outdoor exit routes that meet these requirements. You must:

- Make sure an outdoor exit route (such as an interior balcony, porch, gallery, or roof) meets all requirements for an indoor exit route. In addition, an outdoor exit route must also:
 - Have guardrails to protect unenclosed sides.
 - Be covered if snow or ice is likely to accumulate without regular removal.
 - Be reasonably straight with smooth, solid, substantially level floors.
 - Have no dead ends more than twenty feet long that branch off of the exit route.

NEW SECTION

WAC 296-800-31045 Minimize danger to employees while they are using emergency exit routes. You must:

- Maintain each exit route to minimize danger to employees during an emergency.
- Keep each exit route free of explosive or highly flammable furnishings and decorations.

- Not require employees to travel toward areas where high hazard materials are stored, unless the route is protected by partitions or physical barriers. High hazard materials are materials that:

- Burn quickly
- Emit poisonous fumes when burned
- Are explosive

NEW SECTION

WAC 296-800-31050 Mark exits adequately. You must:

- Mark each exit with a clearly visible, distinctive sign reading "exit."
- Mark any doorway or passage that might be mistaken for an exit with "not an exit" or with an indication of its actual use.
- Make sure exit signs are a distinctive color.
- Make sure signs are posted and arranged along exit routes to adequately show how to get to the nearest exit and clearly indicate the direction of travel.
- Not obstruct or conceal exit signs in any way.
- Keep exit doors free of signs or decorations that obscure their visibility.

NEW SECTION

WAC 296-800-31053 Provide adequate lighting for exit routes and signs. You must:

- Illuminate each exit route adequately and reliably.
- Have at least five foot-candles illumination from a reliable light source.
- Make sure any exit signs illuminated by artificial lights and made of translucent material (other than internally illuminated types)
 - Have screens, discs or lens of at least twenty-five square inches in size; and
 - Show red or other designated color on the approach side of the exit.
- Make sure brightly lit signs, displays, or objects in or near the line of vision do not distract attention from the exit sign.
- Make sure exit signs that are self-lighting have a minimum luminance surface value of .06 footlamberts.

NEW SECTION

WAC 296-800-31055 Maintain the fire retardant properties of paints or other coatings. You must:

- Maintain any paints or other coatings with fire retardant properties so they retain their fire retardant properties.

NEW SECTION

WAC 296-800-31060 Maintain emergency safeguards. You must:

- Maintain each safeguard in proper working order to protect employees during an emergency. Emergency safeguards include items such as:
 - Sprinkler systems.

- Alarm systems.
- Fire doors.
- Exit lighting.

NEW SECTION

WAC 296-800-31065 Maintain exit routes during construction and repair. You must:

- Have enough exit routes that comply with these rules before letting your employees occupy a workplace under new construction.
- Make sure that employees do not occupy an existing workplace unless:
 - All exits and existing fire protection are maintained; or
 - Alternate fire protection is provided that ensures an equivalent level of safety.
- Make sure that flammable or explosive materials used during construction or repair do not expose employees to additional hazards or prevent emergency escape.

NEW SECTION

WAC 296-800-31067 Provide doors in freezer or refrigerated rooms that open from the inside. You must:

- Make sure that walk-in refrigerators or freezer rooms have doors with opening devices allowing them to be opened from the inside even when they are locked from the outside.

NEW SECTION

WAC 296-800-31070 Install and maintain an appropriate employee alarm system.

- Exemptions:
- If you have ten or fewer employees in a particular workplace, you can use direct voice communication to sound the alarm, if all employees can hear it. For this kind of workplace, you do not need a back-up system.
 - In workplaces where employees would not otherwise be able to recognize audible or visible alarms, you can use tactile devices to alert them.

You must:

- Make sure that a working employee alarm system with a distinctive signal to warn employees of fire or other emergencies is installed and maintained, unless employees can see or smell a fire or other hazard.
- Make sure that the following systems meet the requirements of this rule, if you use them as your employee alarm system:
 - Supervisory alarms
 - Discharge alarms
 - Detection systems required on fixed extinguishing systems
 - Detection systems required on fire suppression systems
- Make sure that your employee alarm systems are:
 - Providing enough warning to allow employees to safely escape from the workplace, the immediate work area, or both.
 - Noticeable above surrounding noise or light levels by all employees in the affected portions of the workplace.

- Distinctive and recognizable as a signal, to evacuate the work area.

- Restored to working order as soon as possible, after each test or alarm.

- Supervised, if installed after July 1, 1982, and if it has that capacity.

- Able to alert assigned personnel whenever a malfunction exists in the system.

- Adequately warning employees of emergencies.

- Serviced, maintained, and tested by a person trained in the alarm system's design and functions to keep the system operating reliably and safely.

- In working order, except when undergoing repairs or maintenance.

- Warning employees of fire or other emergencies with a distinctive signal, if they are not able to see or smell a fire or other hazard.

- Manual actuation devices that, if provided, are unobstructed, easy to find, and readily accessible.

- Using alarm devices, components, combinations of devices, or systems with approved construction and installation. This applies to steam whistles, air horns, strobe lights, or similar lighting devices, as well as tactile devices.

- Supplied with spare alarm devices available to restore the system promptly if a component breaks, is worn, or destroyed.

- Kept in full operating condition by maintaining and replacing power supplies as often as necessary.

- Supplied with a back-up means of alarm, such as employee runners or telephones, when regular systems are out of service.

NEW SECTION

WAC 296-800-31075 Establish procedures for sounding emergency alarms. You must:

• Explain to each employee how to sound the alert for emergencies. Methods of reporting emergencies can include:

- Manual pull box alarms.

- Public address systems.

- Radio.

- Telephones.

• Post emergency numbers near telephones, employee notice boards, or other conspicuous locations, if you use telephones to report emergencies.

• Require that all emergency messages have priority over all nonemergency messages if the communication system also serves as an employee alarm system.

NEW SECTION

WAC 296-800-31080 Test the employee alarm system. You must:

• Test the reliability and adequacy of your employee alarm system every two months.

- Use a different activation device in each test of a multiactuation device system, so the entire alarm system gets tested.

- Make sure that supervised (monitored) employee alarm systems are tested at least once a year for reliability and adequacy.

ACCIDENT REPORTING AND INVESTIGATING

NEW SECTION

WAC 296-800-320 Summary. Your responsibility:

To report and conduct an investigation of certain types of accidents.

Note: Call the nearest office of the department of labor and industries at 1-800-4BE SAFE or call OSHA (Occupational Safety and Health Administration) at 1-800-321-6742, to report the death, probable death of any employee or the in-patient hospitalization of 2 or more employees within 8 hours, after handling medical emergencies.

You must:

Report the death, or probable death, of any employee, or the in-patient hospitalization of 2 or more employees within 8 hours

WAC 296-800-32005

Make sure that any equipment involved in an accident is not moved.

WAC 296-800-32010

Assign people to assist the department of labor and industries

WAC 296-800-32015

Conduct a preliminary investigation for all serious injuries

WAC 296-800-32020

Document the investigation findings

WAC 296-800-32025

NEW SECTION

WAC 296-800-32005 Report the death, probable death of any employee, or the in-patient hospitalization of 2 or more employees within 8 hours. You must:

- Contact the nearest office of the department of labor and industries in person or by phone at 1-800-4BE SAFE to report, within 8 hours of the work-related incident or accident,

- A death

- A probable death

- 2 or more employees are admitted to the hospital, or

- Contact the Occupational Safety and Health Administration (OSHA) by calling its central number at 1-800-321-6742.

- Provide the following information within 30 days concerning any accident involving a fatality or hospitalization of 2 or more employees:

- Name of the work place

- Location of the incident

- Time and date of the incident

- Number of fatalities or hospitalized employees

- Contact person

- Phone number

- Brief description of the incident

Note: If you do not learn about the incident at the time it occurs, you must report the incident within 8 hours of the time it was reported to you, your agent, or employee.

NEW SECTION

WAC 296-800-32010 Make sure that any equipment involved in an accident is not moved. You must:

- Not move equipment involved in a work or work related accident or incident if any of the following results:

- A death

- A probable death

- 2 or more employees are sent to the hospital

- Not move the equipment until a representative of the department of labor and industries investigates the incident and releases the equipment unless:

- Moving the equipment is necessary to:

- Remove any victims

- Prevent further incidents and injuries

NEW SECTION

WAC 296-800-32015 Assign people to assist the department of labor and industries. You must:

- Assign witnesses and other employees to assist department of labor and industries personnel who arrive at the scene to investigate the incident involving:

- A death

- Probable death

- 2 or more employees are sent to the hospital.

Include:

- The immediate supervisor

- Employees who were witnesses to the incident

- Other employees the investigator feels are necessary to complete the investigation

NEW SECTION

WAC 296-800-32020 Conduct a preliminary investigation for all serious injuries. You must:

- Make sure your preliminary investigation is conducted to evaluate the facts relating to the cause of the incident by the following people:

- A person designated by the employer

- The immediate supervisor of the injured employee

- Witnesses

- An employee representative, such as a shop steward or other person chosen by the employees to represent them

- Any other person who has the experience and skills.

- If the employee representative is the business agent of the employee bargaining unit and is unavailable to participate without delaying the investigation group, you may proceed, by using one of the following:

- The shop steward

- An employee representative member of your safety committee

- A person selected by all employees to represent them

Note: A preliminary investigation includes noting information such as the following:

- Where did the accident or incident occur?

- What time did it occur?

PERMANENT

- What people were present?
- What was the employee doing at the time of the accident or incident?
- What happened during the accident or incident?

NEW SECTION

WAC 296-800-32025 Document the investigation findings. You must:

- Document the investigation findings for reference following any formal investigation.

RELEASING ACCIDENT INVESTIGATION REPORTS

NEW SECTION

WAC 296-800-330 Releasing accident investigation reports. The department must:

- Keep accident investigations and related reports confidential.
- Not freely release results of accident investigations and related reports that are confidential.
- Make available accident investigation reports, without the need of a court order, only to the following:
 - Injured workers, their legal representatives, or their labor organization representatives.
 - The legal representative or labor organization representative of a deceased worker.
 - The employer of any injured or deceased worker.
 - Any other employer or person whose actions or business operations are the subject of the report or investigation.
 - Any attorney representing a party in any pending legal action in which an investigative report constitutes material and relevant evidence.
 - Employees of governmental agencies in the performance of their official duties.
 - Any beneficiary of a deceased worker actually receiving benefits under the terms of Title 51 RCW, the Industrial Insurance Act.

Note: The records officer may provide accident investigation reports to the closest surviving member of the deceased worker's immediate family.

PROTECTING THE IDENTITY OF THE SOURCE OF CONFIDENTIAL INFORMATION

NEW SECTION

WAC 296-800-340 Protecting the identity of the source of confidential information. The department must:

- Not reveal the source of information when a promise has been made to keep the identity of the source confidential.
- Not disclose information that would reveal the source's identity, whenever a department file contains an investigative report or information from a source under a promise of confidentiality.
- The contents of an investigative report may be withheld only to the extent necessary to conceal the identity of the source.

- When information is withheld, the records officer must give a general characterization of the information withheld, but must not reveal the identity of the information's source.

WISHA APPEALS, PENALTIES AND OTHER PROCEDURAL RULES

NEW SECTION

WAC 296-800-350 Your responsibility:

This section describes actions WISHA takes during or after inspections, and your related obligation and rights. You must follow posting requirements and notify your employees of the information listed in these rules, as indicated.

You must:

WISHA INSPECTIONS AND CITATIONS

Types of workplace inspections
 WAC 296-800-35002Page 350
 Scheduling inspections
 WAC 296-800-35004Page 350
 Inspection techniques
 WAC 296-800-35006Page 350
 Response to complaints submitted by employees or their representatives
 WAC 296-800-35008Page 350
 Citations mailed after an inspection
 WAC 296-800-35010Page 350
 Employees (or their representatives) can request a citation and notice
 WAC 296-800-35012Page 350
 Posting a citation and notice and employee complaint information
 WAC 296-800-35016Page 350

CIVIL PENALTIES FOR VIOLATING WISHA REQUIREMENTS

Reasons to assess civil penalties
 WAC 296-800-35018Page 350
 Minimum penalties
 WAC 296-800-35020Page 350

HOW CIVIL PENALTIES ARE CALCULATED

Base penalty calculations - severity and probability
 WAC 296-800-35022Page 350
 Severity rate determination
 WAC 296-800-35024Page 350
 Probability rate determination
 WAC 296-800-35026Page 350
 Determining the gravity of a violation
 WAC 296-800-35028Page 350
 Base penalty adjustments
 WAC 296-800-35030Page 350
 Types of base penalty adjustments
 WAC 296-800-35032Page 350
 Maximum base penalty amount
 WAC 296-800-35038Page 350
 Reasons for increasing civil penalty amounts
 WAC 296-800-35040Page 350

PERMANENT

CERTIFY THAT VIOLATIONS HAVE BEEN ABATED

Employers must certify that violations have been abated
 WAC 296-800-35042Page 350
 For willful, repeated, or serious violations, submit additional documentation
 WAC 296-800-35044Page 350
 Submitting correction action plans
 WAC 296-800-35046Page 350
 Submit progress reports to the department, when required
 WAC 296-800-35048Page 350
 WISHA determines the date by which abatement documents must be submitted
 WAC 296-800-35049Page 350
 Inform affected employees and their representatives of abatement actions you have taken
 WAC 296-800-35050Page 350
 Tag cited moveable equipment to warn employees of a hazard
 WAC 296-800-35052Page 350

EQUESTING MORE TIME TO COMPLY

You can request more time to comply
 WAC 296-800-35056Page 350
 WISHA's response to your request for more time
 WAC 296-800-35062Page 350
 Post the department's response
 WAC 296-800-35063Page 350
 A hearing can be requested about the department's response
 WAC 296-800-35064Page 350
 Post the department's hearing notice
 WAC 296-800-35065Page 350
 Hearing procedures
 WAC 296-800-35066Page 350
 Post the hearing decision
 WAC 296-800-35072Page 350

REQUESTING AN APPEAL OF WISHA CITATIONS AND CORRECTIVE NOTICES

Employers and employees can request an appeal of a citation and notice
 WAC 296-800-35076Page 350
 Await the department's response to your appeal request
 WAC 296-800-35078Page 350
 Department actions when reassuming jurisdiction over an appeal
 WAC 296-800-35080Page 350
 Appealing a corrective notice
 WAC 296-800-35082Page 350
 Notify employees
 WAC 296-800-35084Page 350

WISHA INSPECTIONS AND CITATIONS

NEW SECTION

WAC 296-800-35002 Types of workplace inspections.

- WISHA conducts the following types of inspections:
 - **Programmed inspections** of hazardous workplaces. WISHA identifies hazardous workplaces using objective criteria and inspection-scheduling systems that may look at any of the following factors:
 - ◆ Type of industry
 - ◆ Available data of injuries and illnesses where an inspection might eliminate the hazards causing them
 - ◆ Employer's industrial insurance experience
 - ◆ Number, type, and toxicity of contaminants in the workplace
 - ◆ Degree of exposure to hazards
 - ◆ Number of employees exposed
 - ◆ Other factors, such as history of employee complaints
 WISHA periodically reviews the scheduling systems and may adjust the factors used and/or the weight given to each factor
 - **Routine programmed inspections** in the following high hazard industries:
 - ◆ Agriculture
 - ◆ Asbestos renovation and demolition
 - ◆ Construction
 - ◆ Electrical utilities and communications
 - ◆ Logging
 - ◆ Maritime
 - **Unprogrammed inspections** of workplaces that may be in violation of WISHA safety or health rules or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. Unprogrammed inspections may result because of:
 - ◆ Complaints from employees, former employees, or employee representatives who believe they have been exposed to a hazard because of a violation
 - ◆ Referrals from anyone who reasonably believes that workers under WISHA jurisdiction are being or have been exposed to a hazard because of a violation
 - **Workplace deaths and serious injuries or illnesses investigations** to determine if they were caused by a violation of safety and health rules or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. WISHA may also initiate comprehensive inspections based on such investigations
 - **Imminent danger of serious injury or death inspections** when there is a reason to believe that employees may be in imminent danger of serious injury or death
 - **Follow-up inspections** at later dates to verify that you have corrected any hazards identified in a citation

NEW SECTION

WAC 296-800-35004 Scheduling inspections.

- WISHA distributes staff performing inspections as efficiently as possible to ensure maximum protection for workers.

PERMANENT

NEW SECTION**WAC 296-800-35006 Inspection techniques.**

- During an inspection, WISHA staff may:
 - Take samples, photographs, videotapes, or audiotapes
 - Conduct tests
 - Ask employees to wear sampling devices
 - Conduct interviews
 - Privately question, on or off the worksite, any:
 - ◆ Employer
 - ◆ Employer representative
 - ◆ Owner
 - ◆ Operator
 - ◆ Employee
 - ◆ Employee representative
 - Employ any other reasonable investigative techniques

NEW SECTION**WAC 296-800-35008 Response to complaints submitted by employees or their representatives.**

- When an employee or their representative has filed a complaint, WISHA will:
 - Remove the name of the person submitting the complaint and the names of any employees identified in the complaint before giving a copy of the complaint to an employer, unless the person filing the complaint gives WISHA written permission to release the names involved
 - Give a copy of the citation and notice to the employee (or their representative) who submitted the complaint, or explain to them why an inspection was not conducted
 - Review any department decision refusing to inspect or cite violations alleged in a complaint, if requested in writing
 - Notify the person in writing of the review results. If the person requesting the review is not satisfied with the results, they may request a second review by the department

NEW SECTION

WAC 296-800-35010 Citations mailed after an inspection. • After an inspection or an investigation, WISHA will mail a citation to you within 6 months following the inspection or investigation

- The citation will include
 - A description of any violations found
 - The amount and type of assessed penalties
 - The length of time given to correct the violations
- If no violations are found, WISHA will normally send you a citation and notice indicating that no violations were found

Note: • Copies of WISHA safety and health inspection reports can be requested. The request should be mailed to:
 DEPARTMENT OF LABOR AND INDUSTRIES
 PUBLIC DISCLOSURE UNIT
 BOX 44632
 OLYMPIA WA 98504-4632
 • You can also contact your local labor and industries field office for information on requesting copies of inspection reports (see the resources section of this book).

NEW SECTION**WAC 296-800-35012 Employees (or their representatives) can request a citation and notice.**

- Employees or their representatives may request copies of citation and notices issued to the employer
 - Complete the Request for Copy of Citation and Notice form, and mail it to:

DEPARTMENT OF LABOR AND INDUSTRIES
 STANDARDS AND INFORMATION
 BOX 44638
 OLYMPIA WA 98504-4638

- Note:
- To obtain a copy of the Request for Copy of Citation and Notice form, call 360-902-5534, or contact your local labor and industries office (see the resources section for a complete list of the offices.)
 - If you submit this form, you'll receive all citation and notices issued to that employer for the next 12 months.
 - When the department approves the request for a copy of a citation and notice, WISHA will indicate the date the application is approved, and the date it expires. Once approved, your application is valid for one year. Once expired, a one-year extension may be requested.
 - You can waive the one-year period when you make your initial request.
 - If more than one employee representative requests a copy of the same citation and notice, the department may decide which person will receive the copy of the citation and notice.
 - The department can deny requests for copies of citation and notices if the person filing the request is not an employee representative.

NEW SECTION**WAC 296-800-35016 Posting a citation and notice and employee complaint information. You must:**

- Immediately notify your employees of a citation and notice by posting them and/or any correspondence related to an employee complaint on the safety bulletin board for 3 working days, or until all violations have been corrected, whichever is longer.
- Use any other appropriate means to notify employees who cannot receive notices posted on the safety bulletin board; for example, a copy to authorized employee representatives or the safety committee, or copies sent electronically.

CIVIL PENALTIES FOR VIOLATING WISHA REQUIREMENTSNEW SECTION**WAC 296-800-35018 Reasons to assess civil penalties.**

- WISHA may assess civil penalties when a citation and notice is issued for any violation of health and safety rules, or statutes found during an inspection.
 - WISHA will assess civil penalties:
 - When a citation for a serious violation is issued.
 - Under other circumstances specified by statute (such as RCW 49.17.180, 49.26.016, 49.17.177, 49.70.190).
 - Civil penalties promote compliance, encouraging employers to correct violations before an inspection takes

place and avoiding the risk of receiving a penalty assessment. Civil penalties help promote a level playing field for employers complying with the rules by assessing penalties for those who do not comply.

NEW SECTION

WAC 296-800-35020 Minimum penalties.

- The minimum penalty amounts assessed by WISHA are:
 - \$100 for any penalty
 - \$5,000 per violation for all willful violations

HOW CIVIL PENALTIES ARE CALCULATED

NEW SECTION

WAC 296-800-35022 Base penalty calculations—Severity and probability.

- Except for specific penalty amounts that are dictated by statute, WISHA calculates the base civil penalty for a violation by evaluating:
 - The severity of the injury, illness, or disease that could result from the alleged hazard
 - The probability that an injury, illness, or disease could occur as a result of the alleged hazard

NEW SECTION

WAC 296-800-35024 Severity rate determination.

- Severity describes how serious an injury, illness, or disease might be because of a hazardous condition. Severity ratings are based on the most serious injury, illness, or disease that could be reasonably expected to occur because of a hazardous condition (see Table 1).
- Severity ratings are expressed in whole numbers and range from 1 (lowest) to 6 (highest). A violation with a severity rating of 4, 5, or 6 is considered to be a serious violation.

Table 1: Severity Ratings
Most serious injury, illness, or disease likely to result in:

6	Death from injury, illness or disease; injuries involving permanent severe disability; chronic, irreversible illness.
5	Permanent disability of a limited or less severe nature, injuries or reversible illnesses resulting in hospitalization.
4	Injuries or temporary, reversible illnesses resulting in serious physical harm (but less than 5 or 6 above) and may require removal from exposure or supportive treatment without hospitalization for recovery.

Table 1: Severity Ratings

3	Injuries or illness would probably not cause death or serious physical harm, but violations have at least major impact and an indirect relationship to serious injury, illness or disease. Violations could have direct and immediate relationship to safety and health of employees. No need for medical treatment beyond first aid.
2	Nonserious or general violations of minor impact, including violations that have an indirect relationship to nonserious injury, illness or disease. No injury, illness or disease without additional violations.
1	No injury, and not likely to result in injury in the presence of other violations.

NEW SECTION

WAC 296-800-35026 Probability rate determination.

- Probability refers to the likelihood of an injury, illness or disease occurring, and is expressed in whole numbers ranging from 1 (lowest) to 6 (highest). Probability does not change severity.
 - When determining probability, WISHA considers the number of employees affected and other factors, depending on the situation. Other factors may include
 - Frequency of employee exposure
 - Instances (number of times the same violation occurs in the workplace)
 - How close an employee is to the hazard
 - Weather and other working conditions
 - Employee skill level
 - Employee awareness of the hazard
 - The pace, speed, and nature of the task or work
 - Use of personal protective equipment
 - Amount of exposure (for health violations)
 - Other mitigating or contributing circumstances

NEW SECTION

WAC 296-800-35028 Determining the gravity of a violation.

- WISHA calculates most base penalties by assigning a weight to a violation. This weight is called "gravity." Gravity is calculated by multiplying a violation's severity by its probability. Expressed as a formula, gravity is:
 Gravity = Severity x Probability
- Unless a particular rule establishes penalty amounts for specific violations, WISHA uses Table 2 to determine the dollar amount for each base penalty

Table 2: Penalty Amount Using Gravity

Gravity	Base Penalty
1	\$100
2	\$200
3	\$300
4	\$400

PERMANENT

Table 2: Penalty Amount Using Gravity

5	\$500
6	\$1000
8	\$1500
9	\$2000
10	\$2500
12	\$3000
15	\$3500
16	\$4000
18	\$4500
20	\$5000
24	\$5500
25	\$6000
30	\$6500
36	\$7000

NEW SECTION

WAC 296-800-35030 Base penalty adjustments.

• WISHA may adjust an employee's base penalty amount because of the employer's good faith effort, size, and compliance history. No adjustments are made to penalty amounts specified by statute

NEW SECTION

WAC 296-800-35032 Types of base penalty adjustments. Employer's Good Faith

• An employer's good faith effort (or lack of) may justify increasing or decreasing a base penalty. No single factor determines good faith. Good faith is a reflection of an employer's:

- Effort before an inspection to provide a safe and healthful workplace for employees
- Effort to comply with a standard they have violated
- Cooperation during an inspection that is measured by a desire to comply with the cited standard and immediately correct identified hazards

• WISHA uses Table 3 to adjust base penalty amounts because of good faith effort

Table 3: Good Faith Adjustments

Good Faith Rating	Adjustment to Base Penalty
Excellent	35% reduction
Good	20% reduction
Average	No adjustment
Poor	20% increase

Employer's Work Force Size

• WISHA may adjust base penalties due to the size of an employer's work force in the state of Washington by using Table 4:

Table 4: Size Adjustments

Number of Employees	Adjustment to Base Penalty
1-25	60% reduction
26-100	40% reduction
101-250	20% reduction
More than 250	No adjustment

Employer's Compliance History

• WISHA may adjust a base penalty based on an employer's history of safety and health violations in the state of Washington, using previous citations as well as injury and illness rates (see Table 5).

Table 5: History Adjustments

History Rating	Adjustment to Base Penalty
Good	10% reduction
Average	No adjustment
Poor	10% increase

NEW SECTION

WAC 296-800-35038 Maximum base penalty amount.

• The maximum penalty for a violation other than repeat, willful, egregious or failure-to-abate is \$7,000.

NEW SECTION

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

• WISHA may increase civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

Repeat violations:

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

- The 3-year period is measured from the date of the final order for each previous citation
- The adjusted base penalty will be multiplied by the total number of inspections with violations (including the current inspection with a violation) involving similar hazards
- The maximum penalty cannot exceed \$70,000 for each violation

Willful violations:

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

- For all willful violations, the adjusted base penalty will be multiplied by 10
- All willful violations will receive at least the statutory minimum penalty of \$5,000

PERMANENT

– The maximum penalty cannot exceed \$70,000 for each violation

Egregious violations:

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule

Failure-to-abate violations:

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC 296-800-35200 through 296-800-35270)

– The maximum penalty cannot exceed \$7,000 for every day the violation is not corrected

– For a general violation with no initial penalty, the minimum failure-to-abate penalty is \$1,000, with a possible adjustment for the employer's effort to comply

– For violations with an initial penalty, WISHA, based on the facts at the time of reinspection:

◆ Will multiply the adjusted base penalty by 5, but may possibly make adjustments for the employer's effort to comply

◆ May multiply the adjusted base penalty by the number of days past the correction date if the employer does not make an effort to comply

CERTIFY THAT VIOLATIONS HAVE BEEN ABATED

NEW SECTION

WAC 296-800-35042 Employers must certify that violations have been abated. You must:

• Certify within 10 calendar days following the correction date that you have abated each violation, unless the compliance officer indicates in your citation and notice that you have corrected the violations. Include the following:

– Your name and address

– The inspection number your written statement applies to

– The citation and item numbers your written statement applies to

– The date and method you used to abate each violation

– That you informed your affected employees and their representatives that each violation was corrected

– That the information you submitted is accurate

– Your signature or the signature of your authorized representative

NEW SECTION

WAC 296-800-35044 For willful, repeated, or serious violations, submit additional documentation. You must:

• Submit additional documentation for each willful or repeated violation supporting that abatement is completed. This documentation may include, but is not limited to:

– Evidence of the purchase, or repair, of equipment

– Photographic or video evidence of corrections

– Other written records

• Submit additional documentation for a serious violation, when required by the citation and notice.

NEW SECTION

WAC 296-800-35046 Submitting correction action plans. You must:

• Submit a correction action plan within 25 calendar days from the final order date if the Citation and Notice requires it.

Your plan must:

– Identify the violation

– List the steps you will take to correct the violation

– Include a schedule to complete the steps

– Describe how employees will be protected until the corrections are completed

Note: • The department will notify you in writing if there is anything inadequate about your plan and will work out the problems.

• When determining if required documents are submitted on time, the department looks at the postmark date for documents sent by standard mail and the date received by other means, such as personal delivery or fax.

NEW SECTION

WAC 296-800-35048 Submit progress reports to the department when required. You must:

• Submit progress reports on the abatement if the citation and notice requires it and briefly state (a single sentence is normally adequate for each violation):

– The action taken to abate each violation

– The date each action was taken

Note: If progress reports are required, the citation and notice will include:

• The items for which periodic progress reports are required,

• The date when an initial progress report must be submitted (no sooner than 30 calendar days after you submit a correction plan),

• Whether additional progress reports are required, and

• The date(s) on which additional progress reports must be submitted.

NEW SECTION

WAC 296-800-35049 WISHA determines the date by which abatement documents must be submitted.

• When determining if required documents are submitted on time, the department looks at:

– Date of postmark for documents sent by mail

– Date the department receives the documents, if transmitted by a means other than mail

NEW SECTION

WAC 296-800-35050 Inform affected employees and their representatives of abatement actions you have taken. You must:

You must:

- Post a copy of each abatement action document you submit to the department (or a summary) near the place where the violations occurred, if practical.

- Do the following if posting near the violation site is not practical, such as with a mobile work operation:

- Post each document (or a summary) in a location that is readily accessible by affected employees and their representatives

- Take other steps to fully communicate abatement actions to affected employees and their representatives

- Make sure that:

- Notice is given to your employees and their representatives on or before the date you submit abatement information to the department

- All abatement documents remain posted for at least 3 working days after they are submitted to the department

- All posted abatement documents are not altered, defaced, or covered by other materials

- Inform employees and their representatives of their right to examine and copy all abatement documents you submit to the department. If they ask to examine or copy your documents within 3 working days of receiving notice that you submitted them to the department, you have 5 days to comply with their request after receiving it.

NEW SECTION

WAC 296-800-35052 Tag cited moveable equipment to warn employees of a hazard. You must:

- Tag cited moveable equipment to warn employees of a hazard if it has not been abated.

- Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component:

- For hand-held equipment, tag it immediately after you receive a citation

- For other equipment, tag it before moving it within the worksite or between worksites

- The tag should properly warn employees about the nature of the violation and tell them where the citation is posted (see the Helpful Tools Section for a sample tag that can be used to meet this requirement)

- Make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other materials

- Make sure that the tag or copy of the citation attached to movable equipment remains attached until:

- You have abated the violation and submitted all abatement certification documents required by the department

- You have permanently removed the cited equipment from service

- You no longer have control over the cited equipment

- A final order sets aside the violation

Note: Chapter 296-155 WAC, Safety Standards for Construction Work and chapter 296-24 WAC, General Safety and Health Standards have information on warning tags. You can use warning tags that meet the requirements in those rules instead of the warning tags required by this rule.

REQUESTING MORE TIME TO COMPLY

NEW SECTION

WAC 296-800-35056 You can request more time to comply.

- You can request more time to comply if you:

- Have made a good faith effort to comply with a citation's abatement requirements

- Have not completed your abatement because of factors beyond your control

- Requests for more time must:

- Be submitted in writing by you or your representative, and include:

- The name of your business

- The address of the workplace(s)

- Identification of the citation and the abatement date(s) you want extended

- The new abatement date and length of abatement period you are seeking

- A description of the actions you have taken to comply with the abatement date(s) in the citation

- Identification of the factors beyond your control that are preventing you from complying with the abatement date(s)

- The means you will use to protect your employees during the time you are abating the violation.

- Be received before midnight of the date you are asking to be extended

- The department may accept late requests if they are:

- Received within 5 days following the applicable correction date.

- Accompanied by your written statement explaining the exceptional circumstances that caused the delay.

Note: The department does not accept late requests when compliance activity related to the abatement starts before the request is received.

- The department accepts requests by:

- First class mail postage prepaid. Mailed to:

Department of Labor and Industries

WISHA Appeals

P.O. Box 44604

Olympia, WA 98504-4604

- Personal delivery

- Fax: (360) 902-5581

NEW SECTION

WAC 296-800-35062 WISHA's response to your request for more time.

- Within 5 working days of receiving your request for more time to comply, the assistant director must make a decision to approve or deny it. Before making a decision, the assistant director may conduct an investigation. Once made, the decision remains in effect unless a hearing is requested.

- The assistant director must issue the following 3 notices (which can be combined into one):

- A notice verifying that your request was received, including the correction dates listed in your citation.

- A notice of your right to request a hearing on the decision and
- A notice announcing the decision.
- ◆ These notices must:
 - Be signed by the assistant director,
 - Contain the date they were issued, and
 - Include the address to which a hearing request may be sent.

NEW SECTION

WAC 296-800-35063 Post the department's response. You must:

- Post notices with the citation for which you are requesting additional abatement time immediately upon receipt. The notices must remain posted until:
 - The abatement date has passed or
 - A hearing notice is posted.

NEW SECTION

WAC 296-800-35064 A hearing can be requested about the department's response.

- You, your affected employees or their authorized representative, may request a hearing if they disagree with the department's response to a request for more time to comply.
 - All hearing requests must be sent or delivered to the assistant director and be received at the address identified in the notice of your right to request a hearing no later than 10 calendar days after the issue date of the notice.
 - Upon receiving a hearing request, the assistant director will issue a notice of hearing to the requesting party and the employer at least 20 days before the hearing date. The hearing notice will:
 - state that all interested parties can participate in the hearing
 - set the time and date, including:
 - ◆ the time, place, and nature of the proceeding
 - ◆ the legal authority and jurisdiction under which the hearing will be held
 - ◆ a reference to the particular sections of the statute and rules involved and
 - ◆ a short and clear explanation why a hearing was requested.
 - The employer must post the department's hearing notice or a complete copy until the hearing is held. This includes the:
 - Citation containing the correction date for which more time was requested.
 - Department notices issued in response to the employer's request for more time.

NEW SECTION

WAC 296-800-35065 Post the department's hearing notice. You must:

- Post the department's hearing notice or a complete copy until the hearing is held. This includes the:
 - Citation containing the correction date for which more time was requested

- Department notices issued in response to the employer's request for more time

NEW SECTION

WAC 296-800-35066 Hearing procedures.

- The assistant director for WISHA services will appoint someone from the department to act as a hearings officer.
- The hearings officer must be present at, and conduct, the hearing. An assistant attorney general may be present to give legal advice to the hearings officer.
- If the hearings officer requests, the assistant attorney general may conduct the hearing.
- The hearings officer may discuss the material to be presented to determine how the hearing will proceed.
- The hearing must be conducted according to the Administrative Procedure Act recorded. Copies of hearing transcripts will be available to the parties, at cost, upon request.

NEW SECTION

WAC 296-800-35072 Post the hearing decision.

- After the hearing, the assistant director will issue an order:
 - Affirming or modifying the correction date that caused the hearing
- AND
- Complying with the provisions of the Administrative Procedure Act, chapter 34.05 RCW and the Practice and Procedure Rules, chapter 296-08 WAC.

You must:

- Post a complete, unedited copy of this decision, along with the citation to which it applies, as soon as it is received.

REQUESTING AN APPEAL OF WISHA CITATIONS AND CORRECTIVE NOTICES

NEW SECTION

WAC 296-800-35076 Employers and employees can request an appeal of a citation and notice.

EMPLOYER REQUESTS

- Any employer cited for a violation of WISHA safety and health rules may appeal a citation or corrective notice.
- Your request must include:
 - Business name, address, telephone number; and the name, address and telephone number of any person representing you.
 - Citation number.
 - What you think is wrong with the citation or corrective notice and any related facts.
 - What you think should be changed, and why.

EMPLOYEE REQUESTS

- Any employee or employee representative who could be affected by a citation or its correction may appeal the abatement date in the citation or corrective notice.

- Your request must include:
 - Your name, address, telephone number, and the name, address and telephone number of any person representing you
 - Citation number
 - What you think is wrong with the abatement date
- All appeal requests must be in writing and submitted to the department within 15 working days after receiving the citation corrective notice. If you mail your request, the post-mark is considered the submission date.
- **All requests must be:**
 - Mailed to:

Department of Labor and Industries
WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604
 - or
 - Faxed to: (360) 902-5581
 - or
 - Brought to any department service location

NEW SECTION**WAC 296-800-35078 Await the department's response to your appeal request.**

- When an appeal request is received, the department decides whether to reassume jurisdiction over the citation and notice being appealed or forward the appeal to the Board of Industrial Insurance Appeals. The department will notify the person who submitted the appeal when the department reassumes jurisdiction.

Definition: Reassume jurisdiction means that the department has decided to hear the appeal.

- The department may reassume jurisdiction to:
 - Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference
 - Give an employer, affected employees and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases
 - Educate employers about the citation and notice, the WISHA appeals process, and WISHA compliance
 - Review citations, penalties, and correction dates for fairness and accuracy to ensure quality work by the department
- If the department does not reassume jurisdiction, it will send the appeal to the Board of Industrial Insurance Appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.

NEW SECTION**WAC 296-800-35080 Department actions when reassuming jurisdiction over an appeal.**

- The department has 30 working days after receipt of the appeal to review it, gather more information and decide whether to make changes to the citation and notice. The 30 working days begin with the first working day after the appeal is received. For example, if an appeal is received on

Friday, the 30 days will begin on the following Monday unless it is a state holiday.

- The department may extend the appeal review period up to an additional 15 working days if everyone involved agrees to the extension.
- During the review period, the department will hold an informal conference about the appeal.
 - An informal conference is not an evidentiary hearing. It is an opportunity for interested parties to briefly explain their positions and provide any additional information they would like the department to consider when reviewing the citation and notice.
 - Although informal, the conference is an official conference and the department may record all or part of it. The department will tell participants when the conference will be recorded.
- After the review period, the department will issue a corrective notice reflecting any changes made to the citation and notice. This notice will be sent to the employer and any employee representatives participating in the appeal process.

NEW SECTION**WAC 296-800-35082 Appealing a corrective notice.**

- Anyone who can appeal a citation and notice may appeal a corrective notice. All corrective notice appeals must be submitted within 15 working days after the notice was received.

NEW SECTION**WAC 296-800-35084 Notify employees. You must:**

- Immediately post all correspondence from the department in a conspicuous place after submitting an appeal. This correspondence includes:
 - The notice of appeal
 - The notice explaining that the department reassumed jurisdiction over the citation and notice
 - Any extensions to the review period
 - The notice for an informal conference
 - Corrective notices
- Post all notices and information related to the appeal in the place where WISHA citations and notices are posted (see WAC 296-800-35150). These include:
 - A notice of appeal until the appeal is resolved
 - Notices about the department reassuming jurisdiction and any extension of the review period until the end of review period
 - A notice of an informal conference until after the conference is held
 - Corrective notices for as long as citations and notices must be posted
 - Requesting alternate means of compliance with WISHA rules.

Note: If you wish to develop an alternate means of compliance with WISHA rules, you may do so by following the instructions in WAC 296-350-700, Variances from WISHA rules.

- In certain circumstances, the department allows an employer to vary from a specific WISHA safety and health standard if the employer uses department-approved substitute

measures to protect employees. The substitute measure must provide at least the same protection from workplace hazards as provided by the WISHA standard.

USING STANDARDS FROM NATIONAL ORGANIZATIONS AND FEDERAL AGENCIES

NEW SECTION

WAC 296-800-360 Rule. Your responsibility: To use the safety and health standards from national organizations and federal agencies, when directed to by WISHA rules.

NEW SECTION

WAC 296-800-36005 Comply with standards national organizations or of federal agencies when referenced in WISHA rules. You must:

- Use the following to be in compliance with WISHA rules:
 - The edition of the standard specified in the WISHA rule or
 - Any edition published after the edition specified in the WISHA rule.

Note: The specific standards referenced in the WISHA rules are available:

- For review at your local department of labor and industries office.
- See <http://www.wa.gov/lni/pa/direct.htm>
- Through the local library system
- Through the issuing organization.

NEW SECTION

WAC 296-800-370 Definitions.

Note: The first time a defined word is used on a page in the Safety and Health Core Rules it is italicized and bolded.

Abatement Action Plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical**, **WAC 296-800-280** means an installation or equipment is acceptable to the director of labor and industries, and approved:

- If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or
- With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical

Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

- With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in **Electrical**, **WAC 296-800-280** means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in material safety data sheets (MSDSs) as Exposure Records, **WAC 296-800-180** means the right and opportunity to examine and copy exposure records.

Affected employees

Employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

• An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

- Partial or complete information from individual employee exposure or medical records or
- Information collected from health insurance claim records

• The analysis is not final until it has been:

- Reported to the employer or
- Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

• Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

• As used in **Electrical**, **WAC 296-800-280** means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

Is the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conduc-

tors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, contained toilets for use by employees.

Board

The board of industrial insurance appeals.

Certification

Refers to an employer's written statement describing when and how a citation violation was corrected.

CFR

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

- The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)
- The Chemical Abstracts Service (CAS) rules of nomenclature

OR

- A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

• Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

• Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8 °C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

An arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

Any designation or identification such as:

- Code name
- Code number
- Trade name
- Brand name
- Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

- 40 psi at 70°F (21.1°C)

OR

- 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

Any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

- Bag
- Barrel
- Bottle
- Box
- Can
- Cylinder
- Drum
- Reaction vessel
- Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

Partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.

- The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers. See WAC 296-62-054 for requirements dealing with Manufacturers, Distributors and Importers - Hazard Communication.

Documentation

Material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

Areas not normally subjected to damp or wet conditions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

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

Employee exposure record

A record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
 - Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;
 - Material safety data sheets indicating that the material may pose a hazard to human health;
- OR
- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

An employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or

activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated

AND

- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in employer chemical hazard communication, WAC 296-800-170. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
 - Handled
 - Stored
 - Generated
- OR
- Present

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from you not complying with an abatement date.

Final order

Any of the following unless an employer or other party files a timely appeal:

- Citation and notice;
- Corrective notice;
- Decision and order from the board of industrial insurance appeals;
- Denial of petition for review from the board of industrial insurance appeals; or
- Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment. For example, an employee thought he broke his arm and went to the hospital to get X rays. If the X rays show no broken bones, they are not considered first aid. On the other hand, if they do show a broken bone, they would be considered medical treatment.

Flammable

A chemical covered by one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;
 - Gas, flammable means:
 - A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less; or
 - A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit;
 - Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.
 - Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

• The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

– Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

– Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

– Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

- Belt holes
- Pipe openings
- Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

- Hatchways
- Stair or ladder openings
- Pits
- Large manholes

The following are NOT considered floor openings:

- Openings occupied by elevators
- Dumbwaiters
- Conveyors
- Machinery
- Containers

Foreseeable emergency

Any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any chemical substance, biological agent (bacteria, virus, fungus, etc.), or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and nonionizing radiation, hypo- or hyperbaric pressure, etc.) which:

- Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) (see Appendix B); or
 - Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;
- OR
- Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

Can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form

of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

Any chemical with the potential to cause acute or chronic health effects in exposed employees. The potential must be statistically significant based on evidence from at least one study conducted under established scientific principles. Health hazards include:

- Chemicals which are carcinogens
- Toxic or highly toxic agents
- Reproductive toxins
- Irritants
- Corrosives
- Sensitizers
- Hepatotoxins
- Nephrotoxins
- Neurotoxins
- Agents which act on the hematopoietic system
- Agents which damage the lungs, skin, eyes, or mucous membranes

See WAC 296-62-054 for more definitions and explanations about the scope of health hazards covered by this part.

See WAC 296-62-054 for the criteria used for determining whether or not a chemical is considered hazardous for purposes of this rule.

Hospitalization

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity

Any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

- Required list of hazardous chemicals
- Chemical label
- MSDSs

Imminent danger violation

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.

Importer

The first business within the Customs Territory of the USA that:

- Receives hazardous chemicals produced in other countries

AND

- Supplies them to distributors or employers within the USA

See WAC 296-62-054 for requirements dealing with Manufacturers, Importer and Distributors - Hazard Communication.

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

- The amount of voltage involved

AND

- The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

- Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

- States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material safety data sheet (MSDS)

Written or printed material that tells you about the chemical(s), what it can do to and how to protect yourself, others, or the environment.

For requirements for developing MSDSs see WAC 296-62-054—Manufacturers, Importers, and Distributors - Hazard Communication.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mixture

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or non-hand-held machine or device;

- That is powered or nonpowered;

AND

- Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

Passed in 1970 by the U.S. Congress, the OSH (Occupational Safety and Health) Act provides safety on the job for working men and women. OSHA oversees states (such as Washington) that have elected to administer their own safety and health program. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

- Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.

- Office areas of manufacturing and production facilities, not including process areas.

- Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

PELs are airborne concentrations of substances measured by their concentration in the air no matter what amount is breathed by the employee. The permissible exposure limits (PELs) must include the following four categories:

- Permissible exposure limits - Time-weighted average (PEL-TWA) is the time-weighted average airborne exposure to any 8-hour work shift of a 40-hour work week and must not be exceeded.

- Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time-weighted average exposure which must not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time-weighted average exposure over that time period must not be exceeded at any time during the working day.

- Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which must not be exceeded during any part of the workday. If instantaneous monitoring is not feasible, then the ceiling must be assessed as a 15-minute time-

weighted average exposure which must not be exceeded at any time over a working day.

• Skin notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a skin notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

Person

One or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

- First-aid
- Medical services
- Dressing
- Showering
- Bathrooms
- Washing
- Eating

Personnel

See the definition for employees.

Physical hazard

A chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- at least once every 2 weeks

OR

• 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified

A person is qualified if they have one of the following:

- Extensive knowledge, training and experience about the subject matter, work or project
- A recognized degree, certificate, or professional standing
- Successfully demonstrated problem solving skills about the subject, work, or project

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

Outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record

Repeat violation

A repeat violation occurs when WISHA cites an employer more than once in the last 3 years for a substantially similar hazard.

Responsible party

As used in employer chemical hazard communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Serious violation

Serious violation must 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.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

- It has one section
- It cannot support itself
- Its length cannot be adjusted

Smoking

A person is smoking if they are:

- Lighting up
- Inhaling
- Exhaling
- Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

- Chemical name
- Chemical Abstracts Service (CAS) registry number
- Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

- leading from one level or floor to another,
- leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment
- Used more or less continuously or routinely by employees, or only occasionally by specific individuals.
- With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

- Machinery

- Appliances
- Tools
- Buildings
- Equipment

These safeguards must be constructed of:

- Metal
- Wood
- Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

- Flat steps
- A hinge at the top allowing the ladder to fold out and support itself
- Its length that cannot be adjusted

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toilet

Means a fixture that flushes maintained within a bathroom for the purpose of defecation or urination or both.

Toxic substance

Any:

- Chemical substance
- Biological agent (such as bacteria, virus, or fungus)
- Physical stress (such as noise, vibration, or repetitive motion)

A substance is toxic if:

- The latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS) lists the substance
- Testing by or known to the employer has shown positive evidence that the substance is an acute or chronic health hazard
- A material safety data sheet kept by or known to the employer shows the material may be a hazard to human health

Trade secret

Any confidential:

- Formula
- Pattern
- Process
- Device
- Information
- Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Tread

The horizontal part of the stair step.

Tread run

The distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in employer chemical hazard communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Urinal

A toilet in a men's bathroom that is designed and intended solely for urination.

Use

As used in employer chemical hazard communication, WAC 296-800-170, means to:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code**, which are rules developed to address state law.

Water-reactive

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, rain-tight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than

wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

- Underground installations or in concrete slabs or masonry that are in direct contact with the earth
- Locations that can be saturated by water or other liquids
- Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Working days

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

Worker

See the definition for employee.

Workplace

- The term workplace means:
 - Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

– An establishment, job site, or project, at one geographical location containing one or more work areas.

- As used in Employer Chemical Hazard Communication, WAC 296-800-180, any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

PART A-1

~~((GENERAL, EDUCATIONAL, MEDICAL AND FIRST AID REQUIREMENTS))~~ **PURPOSE AND SCOPE**

PART A-2

PERSONAL PROTECTIVE EQUIPMENT

RESERVE

Note: Personal protective equipment requirements have been moved to WAC 296-800-160.

Note: Electrical protective equipment requirements have been moved to WAC 296-24-980.

AMENDATORY SECTION (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

WAC 296-24-10203 General requirements. (1) All employers operating late night retail establishments shall provide crime prevention training to their employees.

(2) Crime prevention training shall be a part of the accident prevention program requirements imposed pursuant to WAC ((296-24-040)) 296-800-140.

(3) The employer shall provide training to ensure that the purpose and function of robbery and violence prevention are understood by employees and that the knowledge and skills required for their safety have been provided. The employer shall:

(a) Provide training and training materials that outline security policies, safety and security procedures, and personal safety and crime avoidance techniques.

(b) Provide formal instruction through a training seminar or training video presentation and upon completion require the employee to sign off on the date, time, and place of training. The training documentation will be placed in the employee's personnel file. The following elements shall be included in the crime prevention training program:

(i) An explanation of the importance of keeping the store clean, neat, and uncluttered thereby making it as unattractive as possible to robbers.

(ii) Provide explanation of the purpose of maintaining an unobstructed view of the cash register from outside the store, provided the cash register is located in a position visible from the street.

(iii) Provide instruction on reasons for operating only minimum number of cash registers at night.

(iv) Keeping the cash register fund to a minimum.

(v) Taking extra precautions after dark, i.e., keep alert, observe lighting and dark corners, spot possible hiding places.

(vi) Violence prevention procedures in case of robbery.

(vii) Provide a refresher course on crime prevention on or near the employee's anniversary date. Videotape and crime prevention material shall be available for employee's review at their request.

(4) In addition to providing crime prevention training as defined in this section, all employers operating late night retail establishments shall:

(a) Post a conspicuous sign in the window or door which states that there is a safe on the premises and it is not accessible to the employees on the premises and that the cash register contains only the minimal amount of cash needed to conduct business: No employer shall be subject to citation and penalty for having moneys in the cash register in excess of the minimal amount needed to conduct business.

(b) All displays, and any other material posted in window(s) or door(s) should be arranged so as to provide a clear and unobstructed view of the cash register; provided the cash register is located in such a position so as to be visible from the street.

(c) Have a drop-safe, limited access safe, or comparable device on the premises.

(d) Operate the outside lights for that portion of the approach and parking area that is necessary to accommodate

customers during all night hours the late night retail establishment is open. This may be accomplished through:

(i) Surveillance lighting - to detect and observe pedestrian and vehicular entrances.

(ii) Providing adequate illuminances - adequate illuminance throughout the pedestrian and vehicular entrance areas should be a minimum of one foot candle to comply with ANSI/IES RP7-1983.

AMENDATORY SECTION (Amending WSR 95-22-015, filed 10/20/95, effective 1/16/96)

WAC 296-24-12001 Scope. This scope includes all sections of WAC 296-24-120 ((in the numbering)), 296-800-220, and 296-800-230 and applies to all permanent places of employment except where domestic, or mining work only is performed. The shower requirements in WAC ((296-24-12009(3))) 296-24-12010 are not applicable to agricultural operations. Measures for the control of toxic materials are considered to be outside the scope of this section.

NEW SECTION

WAC 296-24-12010 Showers. (1) Showers are mandatory on exit from the jobsite when residual chemicals allowed to remain on the skin between work shifts could cause a serious occupational illness.

(2) The employer is responsible for identifying such potential hazards and for insisting that the employee shower at the end of the shift.

(3) Whenever showers are required by a particular standard, the showers shall be provided, in accordance with (a) through (d) of this subsection:

(a) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(b) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in this section.

(c) Showers shall be provided with hot and cold water feeding a common discharge line.

(d) Employees who use showers shall be provided with individual clean towels.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-24-14007 Sign design and colors. (1) All signs shall be furnished with rounded or blunt corners and shall be free from sharp edges, burrs, splinters, or other sharp projections. The ends or heads of bolts or other fastening devices shall be located in such a way that they do not constitute a hazard.

(2) Danger signs.

(a) The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1 of Fundamental Specification of Safety Colors for CIE Standard Source "C," American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-1, and format shall be as in Fig. J-1.

(3) Radiation warning signs.

(a) Standard color of the background shall be yellow; the panel, reddish purple with yellow letters; the symbol, reddish purple; any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) The standard symbol shall be as in Figure J-3. Method of dimensioning, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated. The symbol shall be prominently displayed, and of a size consistent with the size of the equipment or material or area to which it is attached.

(c) Format shall be as in Figure J-2. Sign proportions shall be the same as those for danger signs in Table J-1.

(4) Caution signs.

(a) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-2, and format shall be as in Figure J-4.

(5) Exit signs. Exit signs shall be in accordance with WAC ((296-24-5653+)) 296-800-310.

(6) Safety instruction signs.

(a) Standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-3, and format shall be as in Figure J-5.

(7) Directional signs.

(a) Standard color of the background shall be white; and the panel, black with white directional symbol. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-4, and format shall be as in Figure J-6.

(8) In-plant traffic signs. Regulatory and control signs required for the safe movement of vehicles and pedestrians on thoroughfares on plant property shall conform to the standards established in American National Standard Manual on Uniform Traffic Control Devices for Streets and Highways, D6.1-1971.

(9) Informational signs. Blue shall be the standard color for informational signs. It may be used as the background color for the complete sign or as a panel at the top of such types of "notice" signs, which have a white background. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(10) Slow-moving vehicle emblem. This emblem (see Fig. J-7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor

vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only, on vehicles which by design move slowly (25 m.p.h. or less) on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1-1971).

(11) Symbols. Symbols used on signs shall follow recognized practices, such as in Figure J-8. For radioactive materials, see symbol in Figure J-3.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-23503 General requirements. (1) Application. This section applies to overhead and gantry cranes, including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics. These cranes are grouped because they all have trolleys and similar travel characteristics.

(2) New and existing equipment. All new overhead and gantry cranes constructed and installed on or after the effective date of these standards, shall meet the design specifications of the American National Standards Institute, Safety Code for Overhead and Gantry Cranes, ANSI B30.2.0-1967. Overhead and gantry cranes constructed before the effective date of these standards, should be modified to conform to those design specifications, unless it can be shown that the crane cannot feasibly or economically be altered and that the crane substantially complies with the requirements of this section. (See WAC ((296-24-010)) 296-350-700 variance ((and procedure)) from WISHA rules.)

(3) Modifications. Cranes may be modified and rerated provided such modifications and the supporting structure are checked thoroughly for the new rated load by a qualified engineer or the equipment manufacturer. The crane shall be tested in accordance with WAC 296-24-23521(2). New rated load shall be displayed in accordance with (5) of this section.

(4) Wind indicators and rail clamps.

(a) Outdoor storage bridges shall be provided with automatic rail clamps. A wind-indicating device shall be provided which will give a visible or audible alarm to the bridge operator at a predetermined wind velocity. If the clamps act on the rail heads, any beads or weld flash on the rail heads shall be ground off.

(b) Calculations for wind pressure on outside overhead traveling cranes shall be based on not less than 30 pounds per square foot of exposed surface.

(5) Rated load marking. The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block and this marking shall be clearly legible from the ground or floor.

(6) Clearance from obstruction.

(a) Minimum clearance of 3 inches overhead and 2 inches laterally shall be provided and maintained between crane and obstructions in conformity with Specification No. 61 Crane Manufacturers Association of America, Inc., 8720 Red Oak Blvd., Suite 201, Charlotte, NC 28217.

(b) Where passageways or walkways are provided obstructions shall not be placed so that safety of personnel will be jeopardized by movements of the crane.

(7) Clearance between parallel cranes. If the runways of two cranes are parallel, and there are no intervening walls or structure, there shall be adequate clearance provided and maintained between the two bridges.

(8) Designated personnel. Only designated personnel shall be permitted to operate a crane covered by this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-23507 Footwalks and ladders. (1) Location of footwalks.

(a) If sufficient headroom is available on cab-operated cranes, a footwalk shall be provided on the drive side along the entire length of the bridge of all cranes having the trolley running on the top of the girders. To give sufficient access to the opposite side of the trolley, there should be provided either a footwalk mounted on the trolley, a suitable footwalk or platform in the building, or a footwalk on the opposite side of the crane at least twice the length of the trolley.

(b) Footwalks should be located to give a headroom not less than 78 inches. In no case shall less than 48 inches be provided. If 48 inches of headroom cannot be provided, footwalks should be omitted from the crane and a stationary platform or landing stage built for workers making repairs.

(2) Construction of footwalks.

(a) Footwalks shall be of rigid construction and designed to sustain a distributed load of at least 50 pounds per square foot.

(b) Footwalks shall have a walking surface of antislip type.

Note: Wood will meet this requirement.

(c) Footwalks should be continuous and permanently secured.

(d) Footwalks should have a clear passageway at least 18 inches wide except opposite the bridge motor, where they should be not less than 15 inches. The inner edge shall extend at least to the line of the outside edge of the lower cover plate or flange of the girder.

(3) Toeboards and handrails for footwalks. Toeboards and handrails shall be in compliance with WAC 296-24-750 through 296-24-75011 and WAC 296-800-260.

(4) Ladders and stairways.

(a) Gantry cranes shall be provided with ladders or stairways extending from the ground to the footwalk or cab platform.

(b) Stairways shall be equipped with rigid and substantial metal handrails. Walking surfaces shall be of an antislip type.

(c) Ladders shall be permanently and securely fastened in place and shall be constructed in compliance with WAC 296-24-810 through 296-24-81011.

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

WAC 296-24-23513 Electric equipment. (1) General.

(a) Wiring and equipment shall comply with chapter 296-24 WAC Part L, and WAC 296-800-280.

(b) The control circuit voltage shall not exceed 600 volts for a.c. or d.c. current.

(c) The voltage at pendant pushbuttons shall not exceed 150 volts for a.c. and 300 volts for d.c.

(d) Where multiple conductor cable is used with a suspended pushbutton station, the station shall be supported in a manner that will protect the electrical conductors against strain.

(e) Pendant control boxes shall be constructed to prevent electrical shock and shall be clearly marked for identification of functions.

(2) Equipment.

(a) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact under normal operating conditions.

(b) Electric equipment shall be protected from dirt, grease, oil, and moisture.

(c) Guards for live parts shall be substantial and so located that they cannot be accidentally deformed so as to make contact with the live parts.

(3) Controllers.

(a) Cranes not equipped with spring-return controllers or momentary contact pushbuttons shall be provided with a device which will disconnect all motors from the line on failure of power and will not permit any motor to be restarted until the controller handle is brought to the "off" position, or a reset switch or button is operated.

(b) Lever operated controllers shall be provided with a notch or latch which in the "off" position prevents the handle from being inadvertently moved to the "on" position. An "off" detent or spring return arrangement is acceptable.

(c) The controller operating handle shall be located within convenient reach of the operator.

(d) As far as practicable, the movement of each controller handle shall be in the same general directions as the resultant movements of the load.

(e) The control for the bridge and trolley travel shall be so located that the operator can readily face the direction of travel.

(f) For floor-operated cranes, the controller or controllers if rope operated, shall automatically return to the "off" position when released by the operator.

(g) Pushbuttons in pendant stations shall return to the off position when pressure is released by the crane operator.

(h) Automatic cranes shall be so designed that all motions shall fail-safe if any malfunction of operation occurs.

(i) Remote-operated cranes shall function so that if the control signal for any crane motion becomes ineffective the crane motion shall stop.

(4) Resistors.

(a) Enclosures for resistors shall have openings to provide adequate ventilation, and shall be installed to prevent the accumulation of combustible matter near hot parts.

(b) Resistor units shall be supported so as to be free as possible from vibration.

(c) Provision shall be made to prevent broken parts or molten metal falling upon the operator or from the crane.

(5) Switches.

(a) The power supply to the runway conductors shall be controlled by a switch or circuit breaker located on a fixed structure, accessible from the floor, and arranged to be locked in the open position.

(b) On cab-operated cranes a switch or circuit breaker of the enclosed type, with provision for locking in the open position shall be provided in the leads from the runway conductors. A means of opening this switch or circuit breaker shall be located within easy reach of the operator.

(c) On floor-operated cranes, a switch or circuit breaker of the enclosed type, with provision for locking in the open position, shall be provided in the leads from the runway conductors. This disconnect shall be mounted on the bridge or footwalk near the runway collectors. One of the following types of floor operated disconnects shall be provided:

(i) Nonconductive rope attached to the main disconnect switch.

(ii) An undervoltage trip for the main circuit breaker operated by an emergency stop button in the pendant push-button station.

(iii) A main line contactor operated by a switch or push-button in the pendant pushbutton station.

(d) The hoisting motion of all electric traveling cranes shall be provided with an overtravel limit switch in the hoisting direction.

(e) All cranes using a lifting magnet shall have a magnet circuit switch of the enclosed type with provision for locking in the open position. Means for discharging the inductive load of the magnet shall be provided.

(6) Runway conductors. Conductors of the open type mounted on the crane runway beams or overhead shall be so located or so guarded that persons entering or leaving the cab or crane footwalk normally could not come into contact with them.

(7) Extension lamps. If a service receptacle is provided in the cab or on the bridge of cab-operated cranes, it shall be a grounded three-prong type permanent receptacle, not exceeding 300 volts.

(8) Floor operated cranes.

(a) An unobstructed aisle not less than three feet wide shall be maintained for travel of the operator except in such cases where the control handles are hung from the trolleys of traveling cranes.

(b) The handles of control ropes shall be distinctly different in contour so that, without looking, the operator will know which is the hoisting and which is the lowering handle. The direction of all movements of the crane shall be clearly indicated in some manner so that the operator can easily become familiar with them.

(c) When repairing runways, repairpersons shall place rail stops and warning signs or signals so as to protect both ends of the section to be repaired.

(d) Repairpersons shall take care to prevent loose parts from falling or being thrown upon the floor beneath.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-40513 Extinguishment. (1) Extinguishers. Areas in the vicinity of dip tanks shall be provided with manual fire extinguishers suitable for flammable and combustible liquid fires, conforming to WAC ((296-24-592)) 296-800-300.

(2) Automatic water spray extinguishing systems. Automatic water spray extinguishing systems shall conform to WAC 296-24-627 and shall be arranged to protect tanks, drainboards, and stock over drainboards.

(3) Automatic foam extinguishing systems. Automatic foam extinguishing systems shall conform to WAC 296-24-627 and;

(a) Foam producing material selected shall be suitable for intended use, taking into account characteristics of the dip tank liquid;

(b) Overflow pipe shall be arranged to prevent the floating away of foam and clogging overflow pipe. This may be accomplished by either of the following:

(i) Overflow pipe may be extended through tank wall and terminated in an ell pointing downward. The bottom of the overflow pipe at the point it pierces tank wall should not be over 2 inches above the opening or face of the ell.

(ii) Overflow pipe inlet may be provided with a removable screen of 1/4-inch mesh having an area at least twice the cross-sectional area of overflow pipe. Screens which may be clogged by dip tank ingredients shall be inspected and cleaned periodically.

(4) Automatic carbon dioxide systems. Automatic carbon dioxide systems shall conform to WAC 296-24-623 and shall be arranged to protect both dip tanks and drainboards and unless stock over drainboards is otherwise protected with automatic extinguishing facilities, shall also be arranged to protect such stock.

(5) Dry chemical extinguishing systems. Dry chemical extinguishing systems shall conform to WAC 296-24-622 and shall be arranged to protect both dip tanks and drainboards, and unless stock over drainboards is otherwise protected with automatic extinguishing facilities, shall also be arranged to protect such stock.

(6) Dip tank covers.

(a) Covers arranged to close automatically in the event of fire shall be actuated by approved automatic devices and shall also be arranged for manual operation.

(b) Covers shall be of substantial noncombustible material or of tin-clad type with enclosing metal applied with locked joints.

(c) Chains or wire rope shall be used for cover support or operating mechanism where the burning of a cord would interfere with the action of a device.

(d) Covers shall be kept closed when tanks are not in use.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-24-58513 Protective clothing. The following requirements apply to those employees who perform interior structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(1) General.

(a) The employer shall provide at no cost to the employee and assure the use of protective clothing which complies with the requirements of this section. The employer shall assure that protective clothing ordered or purchased after January 1, 1982, meets the requirements contained in this section. As the new equipment is provided, the employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. After July 1, 1985, the employer shall assure that all fire brigade members wear protective clothing meeting the requirements of this section when performing interior structural fire fighting.

(b) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: Foot and leg protection; hand protection; body protection; eye, face and head protection.

(2) Foot and leg protection.

(a) Foot and leg protection shall meet the requirements of (b) and (c) of this subsection, and may be achieved by either of the following methods:

(i) Fully extended boots which provide protection for the legs; or

(ii) Protective shoes or boots worn in combination with protective trousers that meet the requirements of subsection (3) of this section.

(b) Protective footwear shall meet the requirements of WAC ((296-24-088)) 296-800-160 for Class 75 footwear. In addition, protective footwear shall be water-resistant for at least five inches (12.7 cm) above the bottom of the heel and shall be equipped with slip-resistant outer soles.

(c) Protective footwear shall be tested in accordance with WAC 296-24-63599(1) Appendix E, and shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds (1330 N) of static force is applied to the nail.

(3) Body protection.

(a) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer. This shall be achieved by one of the following methods:

(i) Wearing of a fire-resistive coat meeting the requirements of (b) of this subsection, in combination with fully extended boots meeting the requirements of subsection (2)(b) and (c) of this section; or

(ii) Wearing of fire-resistive coat in combination with protective trousers both of which meet the requirements of (b) of this subsection.

(b) The performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971-1975, "Protective Clothing for Structural Fire Fighting," (see WAC 296-

24-63499, Appendix D) with the following permissible variations from those requirements:

(i) Tearing strength of the outer shell shall be a minimum of eight pounds (35.6 N) in any direction when tested in accordance with WAC 296-24-63599(2), Appendix E; and

(ii) The outer shell may discolor but shall not separate or melt when placed in a forced air laboratory oven at a temperature of 500°F (260°C) for a period of five minutes. After cooling to ambient temperature and using the test method specified in WAC 296-24-63599(3) Appendix E, char length shall not exceed 4.0 inches (10.2 cm) and after-flame shall not exceed 2.0 seconds.

(4) Hand protection.

(a) Hand protection shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall be tested in accordance with the test methods contained in the National Institute for Occupational Safety and Health (NIOSH) 1976 publication, "The Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods," (see WAC 296-24-63499, Appendix D—Availability of publications incorporated by references in WAC 296-24-58505—Fire brigades) and shall meet the following criteria for cut, puncture, and heat penetration:

(i) Materials used for gloves shall resist surface cut by a blade with an edge having a 60 degree included angle and a .001 inch (.0025 cm.) radius, under an applied force of 16 lbf (72N) and at a slicing velocity of greater or equal to 60 in/min. (2.5 cm/sec);

(ii) Materials used for the palm and palm side of the fingers shall resist puncture by a penetrometer (simulating a 4d lath nail), under an applied force of 13.2 lbf (60N) and at a velocity greater or equal to 20 in/min. (.85 cm/sec); and

(iii) The temperature inside the palm and gripping surface of the fingers of gloves shall not exceed 135°F (57°C) when gloves or glove system are exposed to 932°F (500°C) for five seconds at 4 psi (28 kPa) pressure.

(b) Exterior materials of gloves shall be flame resistant and shall be tested in accordance with WAC 296-24-63599(3) Appendix E. Maximum allowable after-flame shall be 2.0 seconds, and the maximum char length shall be 4.0 inches (10.2 cm).

(c) When design of the fire-resistive coat does not otherwise provide protection for the wrists, protective gloves shall have wristlets of at least 4.0 inches (10.2 cm) in length to protect the wrist area when the arms are extended upward and outward from the body.

(5) Head, eye and face protection.

(a) Head protection shall consist of a protective head device with ear flaps and chin strap which meet the performance, construction, and testing requirements of the National Fire Safety and Research Office of the National Fire Prevention and Control Administration, United States Department of Commerce (now known as the United States Fire Administration), which are contained in, "Model Performance Criteria for Structural Fire Fighters' Helmets," (August 1977) (see WAC 296-24-63499, Appendix D).

(b) Protective eye and face devices which comply with WAC ((296-24-078)) 296-800-160 shall be used by fire bri-

gade members when performing operations where the hazards of flying or falling materials which may cause eye and face injuries are present. Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted when such devices meet the requirements of WAC ((296-24-078)) 296-800-160.

(c) Full facepieces, helmets, or hoods of breathing apparatus which meet the requirements of chapter 296-62 WAC, Part E and WAC 296-24-58515, shall be acceptable as meeting the eye and face protection requirements of (b) of this subsection.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-24-58517 Appendix A—Fire brigades. (1)

Scope. This section does not require an employer to organize a fire brigade. However, if an employer does decide to organize a fire brigade, the requirements of this section apply.

(2) Prefire planning. It is suggested that prefire planning be conducted by the local fire department and/or the workplace fire brigade in order for them to be familiar with the workplace and process hazards. Involvement with the local fire department or fire prevention bureau is encouraged to facilitate coordination and cooperation between members of the fire brigade and those who might be called upon for assistance during a fire emergency.

(3) Organizational statement. In addition to the information required in the organizational statement, WAC 296-24-58507(1), it is suggested that the organizational statement also contain the following information: A description of the duties that the fire brigade members are expected to perform; the line authority of each fire brigade officer; the number of the fire brigade officers and number of training instructors; and a list and description of the types of awards or recognition that brigade members may be eligible to receive.

(4) Physical capability. The physical capability requirement applies only to those fire brigade members who perform interior structural fire fighting. Employees who cannot meet the physical capability requirement may still be members of the fire brigade as long as such employees do not perform interior structural fire fighting. It is suggested that fire brigade members who are unable to perform interior structural fire fighting be assigned less stressful and physically demanding fire brigade duties, e.g., certain types of training, recordkeeping, fire prevention inspection and maintenance, and fire pump operations.

Physically capable can be defined as being able to perform those duties specified in the training requirements of WAC 296-24-58509. Physically capable can also be determined by physical performance tests or by a physical examination when the examining physician is aware of the duties that the fire brigade member is expected to perform.

It is also recommended that fire brigade members participate in a physical fitness program. There are many benefits which can be attributed to being physically fit. It is believed that physical fitness may help to reduce the number of sprain and strain injuries as well as contributing to the improvement of the cardiovascular system.

(5) Training and education. The section on training and education does not contain specific training and education requirements because the type, amount, and frequency of training and education will be as varied as are the purposes for which fire brigades are organized. However, the section does require that training and education be commensurate with those functions that the fire brigade is expected to perform; i.e., those functions specified in the organizational statement. Such a performance requirement provides the necessary flexibility to design a training program which meets the needs of individual fire brigades.

At a minimum, hands-on training is required to be conducted annually for all fire brigade members. However, for those fire brigade members who are expected to perform interior structural fire fighting, some type of training or education session must be provided at least quarterly.

In addition to the required hands-on training, it is strongly recommended that fire brigade members receive other types of training and education such as: Classroom instruction, review of emergency action procedures, prefire planning, review of special hazards in the workplace, and practice in the use of self-contained breathing apparatus.

It is not necessary for the employer to duplicate the same training or education that a fire brigade member receives as a member of a community volunteer fire department, rescue squad, or similar organization. However, such training or education must have been provided to the fire brigade member within the past year and it must be documented that the fire brigade member has received the training or education. For example: There is no need for a fire brigade member to receive another training class in the use of positive-pressure self-contained breathing apparatus if the fire brigade member has recently completed such training as a member of a community fire department. Instead, the fire brigade member should receive training or education covering other important equipment or duties of the fire brigade as they relate to the workplace hazards, facilities and processes.

It is generally recognized that the effectiveness of fire brigade training and education depends upon the expertise of those providing the training and education as well as the motivation of the fire brigade members. Fire brigade training instructors must receive a higher level of training and education than the fire brigade members they will be teaching. This includes being more knowledgeable about the functions to be performed by the fire brigade and the hazards involved. The instructors should be qualified to train fire brigade members and demonstrate skills in communication, methods of teaching, and motivation. It is important for instructors and fire brigade members alike to be motivated toward the goal of the fire brigade and be aware of the importance of the service that they are providing for the protection of other employees and the workplace.

It is suggested that publications from the International Fire Service Training Association, the National Fire Protection Association (NFPA-1041), the International Society of Fire Service Instructors and other fire training sources be consulted for recommended qualifications of fire brigade training instructors.

In order to be effective, fire brigades must have competent leadership and supervision. It is important for those who

PERMANENT

supervise the fire brigade during emergency situations, e.g., fire brigade chiefs, leaders, etc., to receive the necessary training and education for supervising fire brigade activities during these hazardous and stressful situations. These fire brigade members with leadership responsibilities should demonstrate skills in strategy and tactics, fire suppression and prevention techniques, leadership principles, prefire planning, and safety practices. It is again suggested that fire service training sources be consulted for determining the kinds of training and education which are necessary for those with fire brigade leadership responsibilities.

It is further suggested that fire brigade leaders and fire brigade instructors receive more formalized training and education on a continuing basis by attending classes provided by such training sources as universities and university fire extension services.

The following recommendations should not be considered to be all of the necessary elements of a complete comprehensive training program, but the information may be helpful as a guide in developing a fire brigade training program.

All fire brigade members should be familiar with exit facilities and their location, emergency escape routes for handicapped workers, and the workplace "emergency action plan."

In addition, fire brigade members who are expected to control and extinguish fires in the incipient stage should, at a minimum, be trained in the use of fire extinguishers, standpipes, and other fire equipment they are assigned to use. They should also be aware of first aid medical procedures and procedures for dealing with special hazards to which they may be exposed. Training and education should include both classroom instruction and actual operation of the equipment under simulated emergency conditions. Hands-on type training must be conducted at least annually but some functions should be reviewed more often.

In addition to the above training, fire brigade members who are expected to perform emergency rescue and interior structural fire fighting should, at a minimum, be familiar with the proper techniques in rescue and fire suppression procedures. Training and education should include fire protection courses, classroom training, simulated fire situations including "wet drills" and, when feasible, extinguishment of actual mock fires. Frequency of training or education must be at least quarterly, but some drills or classroom training should be conducted as often as monthly or even weekly to maintain the proficiency of fire brigade members.

There are many excellent sources of training and education that the employer may want to use in developing a training program for the workplace fire brigade. These sources include publications, seminars, and courses offered by universities.

There are also excellent fire school courses by such facilities as Texas A and M University, Delaware State Fire School, Lamar University, and Reno Fire School, that deal with those unique hazards which may be encountered by fire brigades in the oil and chemical industry. These schools, and others, also offer excellent training courses which would be beneficial to fire brigades in other types of industries. These courses should be a continuing part of the training program,

and employers are strongly encouraged to take advantage of these excellent resources.

It is also important that fire brigade members be informed about special hazards to which they may be exposed during fire and other emergencies. Such hazards as storage and use areas of flammable liquids and gases, toxic chemicals, water-reactive substances, etc., can pose difficult problems. There must be written procedures developed that describe the actions to be taken in situations involving special hazards. Fire brigade members must be trained in handling these special hazards as well as keeping abreast of any changes that occur in relation to these special hazards.

(6) Fire fighting equipment. It is important that fire fighting equipment that is in damaged or unserviceable condition be removed from service and replaced. This will prevent fire brigade members from using unsafe equipment by mistake.

Fire fighting equipment, except portable fire extinguishers and respirators, must be inspected at least annually. Portable fire extinguishers and respirators are required to be inspected at least monthly.

(7) Protective clothing.

(a) General. WAC 296-24-58513 does not require all fire brigade members to wear protective clothing. It is not the intention of these standards to require employers to provide a full ensemble of protective clothing for every fire brigade member without consideration given to the types of hazardous environments to which the fire brigade member might be exposed. It is the intention of these standards to require adequate protection for those fire brigade members who might be exposed to fires in an advanced stage, smoke, toxic gases, and high temperatures. Therefore, the protective clothing requirements only apply to those fire brigade members who perform interior structural fire fighting operations.

Additionally, the protective clothing requirements do not apply to the protective clothing worn during outside fire fighting operations (brush and forest fires, crash crew operations) or other special fire fighting activities. It is important that the protective clothing to be worn during these types of fire fighting operations reflect the hazards which are expected to be encountered by fire brigade members.

(b) Foot and leg protection. WAC 296-24-58513 permits an option to achieve foot and leg protection.

The section recognizes the interdependence of protective clothing to cover one or more parts of the body. Therefore, an option is given so that fire brigade members may meet the foot and leg requirements by either wearing long fire-resistant coats in combination with fully extended boots, or by wearing shorter fire-resistant coats in combination with protective trousers and protective shoes or shorter boots.

(c) Body protection. WAC 296-24-58513(3) provides an option for fire brigade members to achieve body protection. Fire brigade members may wear a fire-resistant coat in combination with fully extended boots, or they may wear a fire-resistant coat in combination with protective trousers.

Fire-resistant coats and protective trousers meeting all of the requirements contained in NFPA 1971-1975, "Protective Clothing for Structural Fire Fighters," are acceptable as meeting the requirements of this standard.

The lining is required to be permanently attached to the outer shell. However, it is permissible to attach the lining to

the outer shell material by stitching in one area such as at the neck. Fastener tape or snap fasteners may be used to secure the rest of the lining to the outer shell to facilitate cleaning. Reference to permanent lining does not refer to a winter liner which is a detachable extra lining used to give added protection to the wearer against the effects of cold weather and wind.

(d) Hand protection. The requirements of WAC 296-24-58513(4) on hand protection may be met by protective gloves or a glove system. A glove system consists of a combination of different gloves. The usual components of a glove system consist of a pair of gloves, which provide thermal insulation to the hand, worn in combination with a second pair of gloves which provide protection against flame, cut and puncture.

It is suggested that protective gloves provide dexterity and a sense of feel for objects. Criteria and test methods for dexterity are contained in the NIOSH publications, "The Development of Criteria for Firefighters' Gloves; Vol. I: Glove Requirements," and "Vol. II: Glove Criteria and Test Methods." These NIOSH publications also contain a permissible modified version of Federal Test Method 191, Method 5903, (WAC 296-24-63599(3) Appendix E) for flame resistance when gloves, rather than glove material, are tested for flame resistance.

(e) Head, eye and face protection. Head protective devices which meet the requirements contained in NFPA No. 1972 are acceptable as meeting the requirements of this standard for head protection.

Head protective devices are required to be provided with ear flaps so that the ear flaps will be available if needed. It is recommended that ear protection always be used while fighting interior structural fires.

Many head protective devices are equipped with face shields to protect the eyes and face. These face shields are permissible as meeting the eye and face protection requirements of this section as long as such face shields meet the requirements of WAC ((296-24-078)) 296-800-160 of the general safety and health standards.

Additionally, full facepieces, helmets or hoods of approved breathing apparatus which meet the requirements of WAC 296-62-071 and 296-24-58515 are also acceptable as meeting the eye and face protection requirements.

It is recommended that a flame resistant protective head covering such as a hood or snood, which will not adversely affect the seal of a respirator facepiece, be worn during interior structural fire fighting operations to protect the sides of the face and hair.

(8) Respiratory protective devices. Respiratory protection is required to be worn by fire brigade members while working inside buildings or confined spaces where toxic products of combustion or an oxygen deficiency is likely to be present; respirators are also to be worn during emergency situations involving toxic substances. When fire brigade members respond to emergency situations, they may be exposed to unknown contaminants in unknown concentrations. Therefore, it is imperative that fire brigade members wear proper respiratory protective devices during these situations. Additionally, there are many instances where toxic products of combustion are still present during mop-up and

overhaul operations. Therefore, fire brigade members should continue to wear respirators during these types of operations.

Self-contained breathing apparatus are not required to be equipped with either buddy-breathing device or a quick disconnect valve. However, these accessories may be very useful and are acceptable as long as such accessories do not cause damage to the apparatus, restrict the air flow of the apparatus, or obstruct the normal operation of the apparatus.

Buddy-breathing devices are useful for emergency situations where a victim or another fire brigade member can share the same air supply with the wearer of the apparatus for emergency escape purposes.

The employer is encouraged to provide fire brigade members with an alternative means of respiratory protection to be used only for emergency escape purposes if the self-contained breathing apparatus becomes inoperative. Such alternative means of respiratory protection may be either a buddy-breathing device or an escape self-contained breathing apparatus (ESCBAs). The ESCBA is a short-duration respiratory protective device which is approved for only emergency escape purposes. It is suggested that if ESCBA units are used, that they be of at least five minutes service life.

Quick disconnect valves are devices which start the flow of air by insertion of the hose (which leads to the facepiece) into the regulator of self-contained breathing apparatus, and stop the flow of air by disconnecting the hose from the regulator. These devices are particularly useful for those positive-pressure self-contained breathing apparatus which do not have the capability of being switched from the demand to the positive-pressure mode.

The use of a self-contained breathing apparatus where the apparatus can be switched from a demand to a positive-pressure mode is acceptable as long as the apparatus is in the positive-pressure mode when performing interior structural fire fighting operations. Also acceptable are approved respiratory protective devices which have been converted to the positive-pressure type when such modification is accomplished by trained and experienced persons using kits or parts approved by NIOSH and provided by the manufacturer and by following the manufacturer's instructions.

There are situations which require the use of respirators which have a duration of two hours or more. Presently, there are no approved positive-pressure apparatus with a rated service life of more than two hours. Consequently, negative-pressure self-contained breathing apparatus with a rated service life of more than two hours and which have a minimum protection factor of 5,000 as determined by an acceptable quantitative fit test performed on each individual, will be acceptable for use during situations which require long duration apparatus. Long duration apparatus may be needed in such instances as working in tunnels, subway systems, etc. Such negative-pressure breathing apparatus will continue to be acceptable for a maximum of eighteen months after a positive-pressure apparatus with the same or longer rated service life of more than two hours is certified by NIOSH/MSHA. After this eighteen-month phase-in period, all self-contained breathing apparatus used for these long duration situations will have to be of the positive-pressure type.

PERMANENT

NEW SECTION

WAC 296-24-59212 Hydrostatic testing. (1) In addition to an external visual examination, the employer shall assure that an internal examination of cylinders and shells to be tested is made prior to the hydrostatic tests.

(2) The employer shall assure that portable fire extinguishers are hydrostatically tested whenever they show new evidence of corrosion or mechanical injury.

(3) The employer shall assure that hydrostatic tests are performed on extinguisher hose assemblies which are equipped with a shut-off nozzle at the discharge end of the hose. The test interval shall be the same as specified for the extinguisher on which the hose is installed.

(4) The employer shall assure that carbon dioxide hose assemblies with a shut-off nozzle are hydrostatically tested at 1,250 psi (8,620 kPa).

(5) The employer shall assure that dry chemical and dry powder hose assemblies with a shut-off nozzle are hydrostatically tested at 300 psi (2,070 kPa).

(6) Hose assemblies passing a hydrostatic test do not require any type of recording or stamping.

(7) The employer shall assure that hose assemblies for carbon dioxide extinguishers that require a hydrostatic test are tested within a protective cage device.

(8) The employer shall assure that carbon dioxide extinguishers and nitrogen or carbon dioxide cylinders used with wheeled extinguishers are tested every five years at 5/3 of the service pressure as stamped into the cylinder. Nitrogen cylinders which comply with 29 CFR 173.34 (e)(15) may be hydrostatically tested every ten years.

(9) The employer shall assure that all stored pressure and Halon 1211 types of extinguishers are hydrostatically tested at the factory test pressure not to exceed two times the service pressure.

(10) The employer shall assure that acceptable self-generating type soda acid and foam extinguishers are tested at 350 psi (2,410 kPa).

(11) Air or gas pressure may not be used for hydrostatic testing.

(12) Extinguisher shells, cylinders, or cartridges which fail a hydrostatic pressure test, or which are not fit for testing shall be removed from service and from the workplace.

(13)(a) The equipment for testing compressed gas type cylinders shall be of the water-jacket type. The equipment shall be provided with an expansion indicator which operates with an accuracy within one percent of the total expansion or 0.1 cc (.1 mL) of liquid.

(b) The equipment for testing noncompressed gas type cylinders shall consist of the following:

(i) A hydrostatic test pump, hand or power operated, capable of producing not less than one hundred fifty percent of the test pressure, which shall include appropriate check valves and fittings;

(ii) A flexible connection for attachment to fittings to test through the extinguisher nozzle, test bonnet, or hose outlet, as is applicable; and

(iii) A protective cage or barrier for personal protection of the tester, designed to provide visual observation of the extinguisher under test.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-59215 Appendix A—Portable fire extinguishers. (1) Scope and application. The scope and application of this section is written to apply to three basic types of workplaces. First, there are those workplaces where the employer has chosen to evacuate all employees from the workplace at the time of a fire emergency. Second, there are those workplaces where the employer has chosen to permit certain employees to fight fires and to evacuate all other non-essential employees at the time of a fire emergency. Third, there are those workplaces where the employer has chosen to permit all employees in the workplace to use portable fire extinguishers to fight fires.

The section also addresses two kinds of work areas. The entire workplace can be divided into outside (exterior) work areas and inside (interior) work areas. This division of the workplace into two areas is done in recognition of the different types of hazards employees may be exposed to during fire fighting operations. Fires in interior workplaces, pose a greater hazard to employees; they can produce greater exposure to quantities of smoke, toxic gases, and heat because of the capability of a building or structure to contain or entrap these products of combustion until the building can be ventilated. Exterior work areas, normally open to the environment, are somewhat less hazardous, because the products of combustion are generally carried away by the thermal column of the fire. Employees also have a greater selection of evacuation routes if it is necessary to abandon fire fighting efforts.

In recognition of the degree of hazard present in the two types of work areas, the standards for exterior work areas are somewhat less restrictive in regards to extinguisher distribution. WAC ((296-24-59201)) 296-800-300 explains this by specifying which sections apply.

(2) Portable fire extinguisher exemptions. In recognition of the three options given to employers in regard to the amount of employee evacuation to be carried out, the standards permit certain exemptions based on the number of employees expected to use fire extinguishers.

Where the employer has chosen to totally evacuate the workplace at the time of a fire emergency and when fire extinguishers are not provided, the requirements of this section do not apply to that workplace.

Where the employer has chosen to partially evacuate the workplace or the effected area at the time of a fire emergency and has permitted certain designated employees to remain behind to operate critical plant operations or to fight fires with extinguishers, then the employer is exempt from the distribution requirements of this section. Employees who will be remaining behind to perform incipient fire fighting or members of a fire brigade must be trained in their duties. The training must result in the employees becoming familiar with the locations of fire extinguishers. Therefore, the employer must locate the extinguishers in convenient locations where the employees know they can be found. For example, they could be mounted in the fire truck or cart that the fire brigade uses when it responds to a fire emergency. They can also be distributed as set forth in the National Fire Protection Association's Standard No. 10, "Portable Fire Extinguishers."

PERMANENT

Where the employer has decided to permit all employees in the workplace to use fire extinguishers, then the entire WISHA standard applies.

(3) Portable fire extinguisher mounting. Previous standards for mounting fire extinguishers have been criticized for requiring specific mounting locations. In recognition of this criticism, the standard has been rewritten to permit as much flexibility in extinguisher mounting as is acceptable to assure that fire extinguishers are available when needed and that employees are not subjected to injury hazards when they try to obtain an extinguisher.

It is the intent of WISHA to permit the mounting of extinguishers in any location that is accessible to employees without the use of portable devices such as a ladder. This limitation is necessary because portable devices can be moved or taken from the place where they are needed and, therefore, might not be available at the time of an emergency.

Employers are given as much flexibility as possible to assure that employees can obtain extinguishers as fast as possible. For example, an acceptable method of mounting extinguishers in areas where fork lift trucks or tow-motors are used is to mount the units on retractable board which, by means of counterweighting, can be raised above the level where they could be struck by vehicular traffic. When needed, they can be lowered quickly for use. This method of mounting can also reduce vandalism and unauthorized use of extinguishers. The extinguishers may also be mounted as outlined in the National Fire Protection Association's Standard No. 10, "Portable Fire Extinguishers."

(4) Selection and distribution. The employer is responsible for the proper selection and distribution of fire extinguishers and the determination of the necessary degree of protection. The selection and distribution of fire extinguishers must reflect the type and class of fire hazards associated with a particular workplace.

Extinguishers for protecting Class A hazards may be selected from the following types: Water, foam, loaded stream, or multipurpose dry chemical. Extinguishers for protecting Class B hazards may be selected from the following types: Halon 1301, Halon 1211, carbon dioxide, dry chemicals, foam, or loaded stream. Extinguishers for Class C hazards may be selected from the following types: Halon 1301, Halon 1211, carbon dioxide, or dry chemical.

Combustible metal (Class D hazards) fires pose a different type of fire problem in the workplace. Extinguishers using water, gas, or certain dry chemicals cannot extinguish or control this type of fire. Therefore, certain metals have specific dry powder extinguishing agents which can extinguish or control this type of fire. Those agents which have been specifically approved for use on certain metal fires provide the best protection; however, there are also some "universal" type agents which can be used effectively on a variety of combustible metal fires if necessary. The "universal" type agents include: Foundry flux, Lith-X powder, TMB liquid, pyromet powder, TEC powder, dry talc, dry graphite powder, dry sand, dry sodium chloride, dry soda ash, lithium chloride, zirconium silicate, and dry dolomite.

Water is not generally accepted as an effective extinguishing agent for metal fires. When applied to hot burning metal, water will break down into its basic atoms of oxygen

and hydrogen. This chemical breakdown contributes to the combustion of the metal. However, water is also a good universal coolant and can be used on some combustible metals, but only under proper conditions and application, to reduce the temperature of the burning metal below the ignition point. For example, automatic deluge systems in magnesium plants can discharge such large quantities of water on burning magnesium that the fire will be extinguished. The National Fire Protection Association has specific standards for this type of automatic sprinkler system. Further information on the control of metal fires with water can be found in the National Fire Protection Association's *Fire Protection Handbook*.

An excellent source of selection and distribution criteria is found in the National Fire Protection Association's Standard No. 10. Other sources of information include the National Safety Council and the employer's fire insurance carrier.

(5) Substitution of standpipe systems for portable fire extinguishers. The employer is permitted to substitute acceptable standpipe systems for portable fire extinguishers under certain circumstances. It is necessary to assure that any substitution will provide the same coverage that portable units provide. This means that fire hoses, because of their limited portability, must be spaced throughout the protected area so that they can reach around obstructions such as columns, machinery, etc., and so that they can reach into closets and other enclosed areas.

(6) Inspection, maintenance and testing. The ultimate responsibility for the inspection, maintenance and testing of portable fire extinguishers lies with the employer. The actual inspection, maintenance, and testing may, however, be conducted by outside contractors with whom the employer has arranged to do the work. When contracting for such work, the employer should assure that the contractor is capable of performing the work that is needed to comply with this standard.

If the employer should elect to perform the inspection, maintenance, and testing requirements of this section in-house, then the employer must make sure that those persons doing the work have been trained to do the work and to recognize problem areas which could cause an extinguisher to be inoperable. The National Fire Protection Association provides excellent guidelines in its standard for portable fire extinguishers. The employer may also check with the manufacturer of the unit that has been purchased and obtain guidelines on inspection, maintenance, and testing. Hydrostatic testing is a process that should be left to contractors or individuals using suitable facilities and having the training necessary to perform the work.

Any time the employer has removed an extinguisher from service to be checked or repaired, alternate equivalent protection must be provided. Alternate equivalent protection could include replacing the extinguisher with one or more units having equivalent or equal ratings, posting a fire watch, restricting the unprotected area from employee exposure, or providing a hose system ready to operate.

(7) Hydrostatic testing. As stated before, the employer may contract for hydrostatic testing. However, if the employer wishes to provide the testing service, certain equipment and facilities must be available. Employees should be

made aware of the hazards associated with hydrostatic testing and the importance of using proper guards and water pressures. Severe injury can result if extinguisher shells fail violently under hydrostatic pressure.

Employers are encouraged to use contractors who can perform adequate and reliable service. Firms which have been certified by the Materials Transportation Board (MTB) of the United States Department of Transportation (DOT), or state licensed extinguisher servicing firms, or recognized by the National Association of Fire Equipment Distributors in Chicago, Illinois, are generally acceptable for performing this service.

(8) Training and education. This part of the standard is of the utmost importance to employers and employees if the risk of injury or death due to extinguisher use is to be reduced. If an employer is going to permit an employee to fight a workplace fire of any size, the employer must make sure that the employee knows everything necessary to assure the employee's safety.

Training and education can be obtained through many channels. Often, local fire departments in larger cities have fire prevention bureaus or similar organizations which can provide basic fire prevention training programs. Fire insurance companies will have data and information available. The National Fire Protection Association and the National Safety Council will provide, at a small cost, publications that can be used in a fire prevention program.

Actual fire fighting training can be obtained from various sources in the country. The Texas A and M University, the University of Maryland's Fire and Rescue Institute, West Virginia University's Fire Service Extension, Iowa State University's Fire Service Extension and other state training schools and land grant colleges have fire fighting programs directed to industrial applications. Some manufacturers of extinguishers, such as the Ansul Company and Safety First, conduct fire schools for customers in the proper use of extinguishers. Several large corporations have taken time to develop their own on-site training programs which expose employees to the actual "feeling" of fire fighting. Simulated fires for training of employees in the proper use of extinguishers are also an acceptable part of a training program.

In meeting the requirements of this section, the employer may also provide educational materials, without classroom instruction, through the use of employee notice campaigns using instruction sheets or flyers or similar types of informal programs. The employer must make sure that employees are trained and educated to recognize not only what type of fire is being fought and how to fight it, but also when it is time to get away from it and leave fire suppression to more experienced fire fighters.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-65501 Portable powered tools. (1) Portable circular saws.

(a) All portable, power-driven circular saws having a blade diameter greater than 2 in. shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for

the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position.

(b) (1)(a) of this section does not apply to circular saws used in the meat industry for meat cutting purposes.

(2) Switches and controls.

(a) All hand-held powered circular saws having a blade diameter-greater than 2 inches, electric, hydraulic or pneumatic chain saws, and percussion tools without positive accessory holding means shall be equipped with a constant pressure switch or control that will shut off the power when the pressure is released. All hand-held gasoline powered chain saws shall be equipped with a constant pressure throttle control that will shut off the power to the saw chain when the pressure is released.

(b) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders with discs greater than 2 inches in diameter, belt sanders, reciprocating saws, saber, scroll, and jig saws with blade shanks greater than a nominal one-fourth inch, and other similarly operating powered tools shall be equipped with a constant pressure switch or control and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(c) All other hand-held powered tools, such as, but not limited to, platen sanders, grinders with wheels 2 inches in diameter or less, disc sanders with discs 2 inches in diameter or less, routers, planers, laminate trimmers, nibblers, shears, saber, scroll, and jig saws with blade shanks a nominal one-fourth of an inch wide or less, may be equipped with either a positive "on-off" control, or other controls as described by (2)(a) and (b) of this section.

(i) Saber, scroll, and jig saws with nonstandard blade holders may use blades with shanks which are nonuniform in width, provided the narrowest portion of the blade shank is an integral part in mounting the blade.

(ii) Blade shank width shall be measured at the narrowest portion of the blade shank when saber, scroll, and jig saws have nonstandard blade holders.

(iii) "Nominal" in this section means +0.05 inch.

(d) The operating control on hand-held power tools shall be so located as to minimize the possibility of its accidental operation, if such accidental operation would constitute a hazard to employees.

(e) This subdivision does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, garden appliances, household and kitchen appliances, personal care appliances, medical or dental equipment, or to fixed machinery.

(3) Portable belt sanding machines. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(4) Cracked saws. All cracked saws shall be removed from service.

(5) Grounding. Portable electric powered tools shall meet the electrical requirements of chapter 296-24 WAC Part L, and WAC 296-800-280.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-24-67515 Personal protective equipment.

(1) Employers must use only respirators certified by NIOSH under 42 CFR part 84 for protecting employees from dusts produced during abrasive-blasting operations.

(2) Abrasive-blasting respirators. Abrasive-blasting respirators must be worn by all abrasive-blasting operators in the following situations: (a) When working inside of blast cleaning rooms, or (b) when using silica sand in manual blasting operations except where the nozzle and blast are physically separated from the operator in an exhaust ventilated enclosure, or (c) where concentrations of toxic dusts dispersed by the abrasive blasting may exceed the limits set in chapter 296-62 WAC, Part E except where the nozzle and blast are physically separated from the operator in an exhaust-ventilated enclosure.

(3) Particulate-filter respirators.

(a) Properly fitted particulate-filter respirators, commonly referred to as dust-filter respirators, may be used for short, intermittent, or occasional dust exposures such as clean-up, dumping of dust collectors, or unloading shipments of sand at a receiving point when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means.

(b) Dust-filter respirators may also be used to protect the operator of outside (outdoor) abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicity.

Note: The selection of a dust-filter respirator depends on the amount of dust in the breathing zone of the user. See WAC 296-62-07113 - Table 5.

(c) Dust-filter respirators used must be certified by NIOSH under 42 CFR part 84 for protection against the specific type of dust encountered.

(d) Dust-filter respirators must be properly fitted as required in chapter 296-62 WAC, Part E.

(e) Dust-filter respirators must not be used for continuous protection where silica sand is used as the blasting abrasive, or when toxic materials are blasted.

(4) A respiratory protection program as required in chapter 296-62 WAC, Part E must be established wherever it is necessary to use respirators.

(5) Personal protective clothing.

(a) Operators must be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives.

(b) Safety shoes must be worn where there is a hazard of foot injury.

(c) Equipment for protection of the eyes and face must be supplied to the operator and to other personnel working near abrasive blasting operations when the respirator design does not provide such protection.

(6) Personal protective clothing, equipment and their use must comply with WAC ((~~296-24-075 (Part A2)~~)) 296-800-160.

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

WAC 296-24-68503 Application of arc welding equipment.

Note: Assurance of consideration of safety in design is obtainable by choosing apparatus complying with the Requirements for Electric Arc-Welding Apparatus, NEMA EW-1-1962, National Electrical Manufacturers Association or the Safety Standard for Transformer-Type Arc-Welding Machines, ANSI C33.2-1956, Underwriters' Laboratories.

(1) Environmental conditions.

(a) Standard machines for arc welding service shall be designed and constructed to carry their rated load with rated temperature rises where the temperature of the cooling air does not exceed 40°C (104°F) and where the altitude does not exceed 3,300 feet, and shall be suitable for operation in atmospheres containing gases, dust, and light rays produced by the welding arc.

(b) Unusual service conditions may exist, and in such circumstances machines shall be especially designed to safely meet the requirements of the service. Chief among these conditions are exposure to:

- (i) Unusually corrosive fumes.
- (ii) Steam or excessive humidity.
- (iii) Excessive oil vapor.
- (iv) Flammable gases.
- (v) Abnormal vibration or shock.
- (vi) Excessive dust.
- (vii) Weather.
- (viii) Unusual seacoast or shipboard conditions.

(2) Voltage. Open circuit (no load) voltages of arc welding and cutting machines should be as low as possible consistent with satisfactory welding or cutting being done. The following limits shall not be exceeded:

- (a) Alternating-current machines.
 - (i) Manual arc welding and cutting—80 volts.
 - (ii) Automatic (machine or mechanized) arc welding and cutting—100 volts.
- (b) Direct-current machines.
 - (i) Manual arc welding and cutting—100 volts.
 - (ii) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(c) When special welding and cutting processes require values of open circuit voltages higher than the above, means shall be provided to prevent the operator from making accidental contact with the high voltage by adequate insulation or other means.

Note: For a.c. welding under wet conditions or warm surroundings where perspiration is a factor, the use of reliable automatic controls for reducing no load voltage is recommended to reduce the shock hazard.

(3) Design.

(a) A controller integrally mounted in an electric motor driven welder shall have capacity for carrying rated motor current, shall be capable of making and interrupting stalled

rotor current of the motor, and may serve as the running over-current device if provided with the number of over-current units as specified by chapter 296-24 WAC Part L, and WAC 296-800-280. Starters with magnetic undervoltage release should be used with machines installed more than one to a circuit to prevent circuit overload caused by simultaneously starting of several motors upon return of voltage.

(b) On all types of arc welding machines, control apparatus shall be enclosed except for the operating wheels, levers, or handles.

Note: Control handles and wheels should be large enough to be easily grasped by a gloved hand.

(c) Input power terminals, tap change devices and live metal parts connected to input circuits shall be completely enclosed and accessible only by means of tools.

(d) Terminals for welding leads should be protected from accidental electrical contact by employees or by metal objects i.e., vehicles, crane hooks, etc. Protection may be obtained by use of: Dead-front receptacles for plug connections; recessed openings with nonremovable hinged covers; heavy insulating sleeving or taping or other equivalent electrical and mechanical protection. If a welding lead terminal which is intended to be used exclusively for connection to the work is connected to the grounded enclosure, it must be done by a conductor at least two AWG sizes smaller than the grounding conductor and the terminal shall be marked to indicate that it is grounded.

(e) No connections for portable control devices such as push buttons to be carried by the operator shall be connected to an a.c. circuit of higher than 120 volts. Exposed metal parts of portable control devices operating on circuits above 50 volts shall be grounded by a grounding conductor in the control cable.

(f) Auto transformers or a.c. reactors shall not be used to draw welding current directly from any a.c. power source having a voltage exceeding 80 volts.

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

WAC 296-24-68505 Installation of arc welding equipment. (1) General. Installation including power supply shall be according to the requirements of chapter 296-24 WAC Part L, and WAC 296-800-280.

(2) Grounding.

(a) The frame or case of the welding machine (except engine-driven machines) shall be grounded under the conditions and according to the methods prescribed in chapter 296-24 WAC Part L, and WAC 296-800-280.

(b) Conduits containing electrical conductors shall not be used for completing a work-lead circuit. Pipelines shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension or repair providing current is not carried through threaded joints, flanged bolted joints, or caulked joints and that special precautions are used to avoid sparking at connection of the work-lead cable.

(c) Chains, wire ropes, cranes, hoists, and elevators shall not be used to carry welding current.

(d) Where a structure, conveyor, or fixture is regularly employed as a welding current return circuit, joints shall be bonded or provided with adequate current collecting devices and appropriate periodic inspection should be conducted to ascertain that no condition of electrolysis or shock, or fire hazard exists by virtue of such use.

(e) All ground connections shall be checked to determine that they are mechanically strong and electrically adequate for the required current.

(3) Supply connections and conductors.

(a) A disconnecting switch or controller shall be provided at or near each welding machine which is not equipped with such a switch or controller mounted as an integral part of the machine. The switch shall be according to chapter 296-24 WAC Part L, and WAC 296-800-280. Overcurrent protection shall be provided as specified in chapter 296-24 WAC Part L, and WAC 296-800-280. A disconnect switch with overload protection or equivalent disconnect and protection means, permitted by chapter 296-24 WAC Part L, and WAC 296-800-280, shall be provided for each outlet intended for connection to a portable welding machine.

(b) For individual welding machines, the rated current-carrying capacity of the supply conductors shall be not less than the rated primary current of the welding machines.

(c) For groups of welding machines, the rated current-carrying capacity of conductors may be less than the sum of the rated primary currents of the welding machines supplied. The conductor rating shall be determined in each case according to the machine loading based on the use to be made of each welding machine and the allowance permissible in the event that all the welding machines supplied by the conductors will not be in use at the same time.

(d) In operations involving several welders on one structure, d.c. welding process requirements may require the use of both polarities; or supply circuit limitations for a.c. welding may require distribution of machines among the phases of the supply circuit. In such cases no load voltages between electrode holders will be 2 times normal in d.c. or 1, 1.4, 1.73, or 2 times normal on a.c. machines. Similar voltage differences will exist if both a.c. and d.c. welding are done on the same structure.

(i) All d.c. machines shall be connected with the same polarity.

(ii) All a.c. machines shall be connected to the same phase of the supply circuit and with the same instantaneous polarity.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-69001 General. (1) Installation. All equipment shall be installed by a qualified electrician in conformance with chapter 296-24 WAC Part L, and WAC 296-800-280. There shall be a safety-type disconnecting switch or a circuit breaker or circuit interrupter to open each power circuit to the machine, conveniently located at or near the machine, so that the power can be shut off when the machine or its controls are to be serviced.

(2) Thermal protection. Ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch.

(3) Personnel. Workers designated to operate resistance welding equipment shall have been properly instructed and judged competent to operate such equipment.

(4) Guarding. Controls of all automatic or air and hydraulic clamps shall be arranged or guarded to prevent the operator from accidentally activating them.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-24-70005 Protective clothing. (1) General requirements. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of chapter 296-24 WAC, Part ((A-2)) I, and WAC 296-800-160. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) Specified protective clothing. Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, asbestos, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

Note: For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(e) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(f) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(g) For overhead welding and cutting, or welding and cutting in extremely confined spaces, ear protection is sometimes desirable.

(h) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

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

WAC 296-24-95607 Wiring design and protection.

(1) **Use and identification of grounded and grounding conductors.**

(a) **Identification of conductors.** A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) **Polarity of connections.** No grounded conductor may be attached to any terminal or lead so as to reverse designated polarity.

(c) **Use of grounding terminals and devices.** A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug may not be used for purposes other than grounding.

(2) **Outlet devices.** Outlet devices shall have an ampere rating not less than the load to be served.

(3) **Outside conductors, 600 volts, nominal, or less.** Subdivisions (a), (b), (c) and (d) of this subsection apply to branch circuit, feeder, and service conductors rated 600 volts, nominal, or less and run outdoors as open conductors. Subdivision (e) of this subsection applies to lamps installed under such conductors.

(a) **Conductors on poles.** Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(i) Power conductors below communication conductors—30 inches.

(ii) Power conductors alone or above communication conductors: 300 volts or less—24 inches; more than 300 volts—30 inches.

(iii) Communication conductors below power conductors with power conductors 300 volts or less—24 inches; more than 300 volts—30 inches.

(b) **Clearance from ground.** Open conductors shall conform to the following minimum clearances:

(i) 10 feet—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(ii) 12 feet—over areas subject to vehicular traffic other than truck traffic.

(iii) 15 feet—over areas other than those specified in item (b)(iv) of this subsection that are subject to truck traffic.

(iv) 18 feet—over public streets, alleys, roads, and drive-ways.

(c) **Clearance from building openings.** Conductors shall have a clearance of at least 3 feet from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet away.

(d) **Clearance over roofs.** Conductors shall have a clearance of not less than 8 feet from the highest point of roofs over which they pass, except that:

(i) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches in 12, the clearance from the roofs shall be at least 3 feet; or

(ii) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet of the overhang portion of the roof and they are terminated at a through-the-roof raceway or approved support, the clearance from the roofs shall be at least 18 inches.

(e) **Location of outdoor lamps.** Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(4) **Services.**

(a) **Disconnecting means.**

(i) **General.** Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) **Simultaneous opening of poles.** Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(b) **Services over 600 volts, nominal.** The following additional requirements apply to services over 600 volts, nominal.

(i) **Guarding.** Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(ii) **Warning signs.** Signs warning of high voltage shall be posted where other than qualified employees might come in contact with live parts.

(5) **Overcurrent protection.**

~~((a) 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated 600 volts, nominal, or less.~~

~~(i) **Protection of conductors and equipment.** Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current.~~

~~(ii) **Grounded conductors.** Except for motor running overload protection, overcurrent devices may not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.~~

~~(iii) **Disconnection of fuses and thermal cutouts.** Except for service fuses, all cartridge fuses which are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.~~

~~(iv) **Location in or on premises.** Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage nor in the vicinity of easily ignitable material.~~

~~(v) **Arcing or suddenly moving parts.** Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation.~~

~~(vi) **Circuit breakers.**~~

~~(A) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.~~

~~(B) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position. (See WAC 296-24-95603 (2)(e).)~~

~~(C) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be approved for the purpose and marked "SWD." (See WAC 296-24-95603 (2)(e).)~~

~~(b)) **Over 600 volts, nominal.** Feeders and branch circuits over 600 volts, nominal, shall have short-circuit protection.~~

(6) **Grounding.** Subdivisions (a) through (g) of this subsection contain grounding requirements for systems, circuits, and equipment.

(a) **Systems to be grounded.** The following systems which supply premises wiring shall be grounded:

(i) All 3-wire DC systems shall have their neutral conductor grounded.

(ii) Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless:

(A) They supply only industrial equipment in limited areas and are equipped with a ground detector; or

(B) They are rectifier-derived from an AC system complying with items (a)(iii), (a)(iv), and (a)(v) of this subsection; or

(C) They are fire-protective signaling circuits having a maximum current of 0.030 amperes.

(iii) AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by item (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated.

(v) AC systems of 50 volts to 1000 volts are not required to be grounded under any of the following conditions:

(A) If the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like.

(B) If the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives.

(C) If the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

- (I) The system is used exclusively for control circuits;
- (II) The conditions of maintenance and supervision assure that only qualified persons will service the installation;
- (III) Continuity of control power is required; and
- (IV) Ground detectors are installed on the control system.

(D) If the system is an isolated power system that supplies circuits in health care facilities.

(b) **Conductors to be grounded.** For AC premises wiring systems the identified conductor shall be grounded.

(c) **Grounding connections.**

(i) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(iii) On extensions of existing branch circuits which do not have an equipment grounding conductor, grounding-type receptacles may be grounded to a grounded cold water pipe near the equipment.

(d) **Grounding path.** The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(e) **Supports, enclosures, and equipment to be grounded.**

(i) **Supports and enclosures for conductors.** Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; or

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

- (I) Runs are less than 25 feet;
- (II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and
- (III) Enclosures are guarded against employee contact.

(ii) **Service equipment enclosures.** Metal enclosures for service equipment shall be grounded.

(iii) **Frames of ranges and clothes dryers.** Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and metal outlet or junction boxes

which are part of the circuit for these appliances shall be grounded.

(iv) **Fixed equipment.** Exposed noncurrent-carrying metal parts of fixed equipment which may become energized shall be grounded under any of the following conditions:

(A) If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact.

(B) If located in a wet or damp location and not isolated.

(C) If in electrical contact with metal.

(D) If in a hazardous (classified) location.

(E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.

(F) If equipment operates with any terminal at over 150 volts to the ground; however, the following need not be grounded:

(I) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(II) Metal frames of electrically heated appliances which are permanently and effectively insulated from ground; and

(III) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet above ground or grade level.

(v) **Equipment connected by cord and plug.** Under any of the conditions described in subitems (e)(v)(A) through (e)(v)(C) of this subsection, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment which may become energized shall be grounded.

(A) If in hazardous (classified) locations (see WAC 296-24-95613).

(B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.

(C) If the equipment is of the following types:

- (I) Refrigerators, freezers, and air conditioners;
- (II) Clothes-washing, clothes-drying and dishwashing machines, sump pumps, and electrical aquarium equipment;
- (III) Hand-held motor-operated tools;
- (IV) Motor-operated appliances of the following types: Hedge clippers, lawn mowers, snow blowers, and wet scrubbers;

(V) Cord-connected and plug-connected appliances used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;

(VI) Portable and mobile x-ray and associated equipment;

(VII) Tools likely to be used in wet and conductive locations; and

(VIII) Portable hand lamps. Tools likely to be used in wet and conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts. Listed or labeled portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. If such a system is employed, the equipment shall be distinctively

marked to indicate that the tool or appliance utilizes an approved system of double insulation.

(vi) **Nonelectrical equipment.** The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 750 volts between conductors.

(f) Methods of grounding fixed equipment.

(i) Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this section, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in item (f)(i) of this subsection. For installations made before May 30, 1982, only, electric equipment is also considered to be effectively grounded if it is secured to, and in metallic contact with, the grounded structural metal frame of a building. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

(g) Grounding of systems and circuits of 1000 volts and over (high voltage).

(i) **General.** If high voltage systems are grounded, they shall comply with all applicable provisions of subdivisions (a) through (f) of this subsection as supplemented and modified by the subdivision (g) of this subsection.

(ii) **Grounding of systems supplying portable or mobile equipment.** (See WAC 296-24-95603 (2)(c) and 296-800-280.) Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall comply with the following:

(A) Portable and mobile high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(B) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(C) Ground-fault detection and relaying shall be provided to automatically deenergize any high voltage system component which has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored so as to deenergize automatically the high voltage feeder to the portable equipment upon loss of continuity of the equipment grounding conductor.

(D) The grounding electrode to which the portable or mobile equipment system neutral impedance is connected

shall be isolated from and separated in the ground by at least 20 feet from any other system or equipment grounding electrode, and there shall be no direct connection between the grounding electrodes, such as buried pipe, fence, etc.

(iii) **Grounding of equipment.** All noncurrent-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded. However, equipment which is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus at a height exceeding 8 feet above ground or grade level need not be grounded.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-007	Incorporation of standards of national organization.
WAC 296-24-008	Incorporation of standards of federal agency.
WAC 296-24-010	Variance and procedure.
WAC 296-24-015	Education and first-aid standards.
WAC 296-24-020	Management's responsibility.
WAC 296-24-025	Employee's responsibility.
WAC 296-24-040	Accident prevention programs.
WAC 296-24-045	Safety and health committee plan.
WAC 296-24-055	Safety bulletin board.
WAC 296-24-061	First-aid requirements.
WAC 296-24-06105	What workplaces does this rule apply to?
WAC 296-24-06110	What is the purpose of this rule?
WAC 296-24-06115	What definitions apply to this section?
WAC 296-24-06120	How must an employer ensure that first-aid assistance is available in the workplace?
WAC 296-24-06125	How many employees must be trained in first aid?
WAC 296-24-06130	What must first-aid training cover?
WAC 296-24-06135	How often must employees complete first-aid training?
WAC 296-24-06140	How must an employer document first-aid training?

PERMANENT

WAC 296-24-06145	What is the requirement for first-aid supplies?	WAC 296-24-56505	Width and capacity of means of egress.
WAC 296-24-06150	What is the requirement to provide a first-aid station?	WAC 296-24-56507	Egress capacity and occupant load.
WAC 296-24-06155	APPENDIX 1 Evaluation worksheet for the first-aid response plan.	WAC 296-24-56509	Arrangement of exits.
WAC 296-24-06160	APPENDIX 2—First-aid kit guidance.	WAC 296-24-56511	Access to exits.
WAC 296-24-073	Safe place standards.	WAC 296-24-56513	Exterior ways of exit access.
WAC 296-24-075	Personal protective equipment.	WAC 296-24-56515	Discharge from exits.
WAC 296-24-07501	General requirements.	WAC 296-24-56517	Headroom.
WAC 296-24-078	Eye and face protection.	WAC 296-24-56519	Changes in elevation.
WAC 296-24-084	Occupational head protection.	WAC 296-24-56521	Maintenance and workmanship.
WAC 296-24-086	Personal flotation devices.	WAC 296-24-56523	Furnishings and decorations.
WAC 296-24-088	Occupational foot protection.	WAC 296-24-56529	Fire retardant paints.
WAC 296-24-090	Hand protection.	WAC 296-24-56531	Exit marking.
WAC 296-24-094	Lighting and illumination.	WAC 296-24-59205	General requirements.
WAC 296-24-098	Appendix B to Part A-2—Nonmandatory compliance guidelines for hazard assessment and personal protective equipment selection.	WAC 296-24-59207	Selection and distribution.
WAC 296-24-12003	General requirements.	WAC 296-24-59209	Inspection, maintenance and testing.
WAC 296-24-12005	Water supply.	WAC 296-24-59211	Hydrostatic testing.
WAC 296-24-12007	Toilet facilities.	WAC 296-24-59213	Training and education.
WAC 296-24-12009	Washing facilities.	WAC 296-24-65001	General requirements.
WAC 296-24-12019	Waste disposal.	WAC 296-24-73503	Housekeeping.
WAC 296-24-12021	Vermin control.	WAC 296-24-73509	Floor loading protection.
WAC 296-24-21503	Secure storage.	WAC 296-24-73513	Buildings—Floors.
WAC 296-24-21505	Housekeeping.	WAC 296-24-76505	Where fixed stairs are required.
WAC 296-24-21507	Drainage.	WAC 296-24-76517	Railings and handrails.
WAC 296-24-550	Means of egress.	WAC 296-24-79507	Care and maintenance and use of ladders.
WAC 296-24-55003	General requirements.		
WAC 296-24-55005	Fundamental requirements.		
WAC 296-24-55007	Protection of employees exposed by construction and repair operations.		
WAC 296-24-55009	Maintenance.		
WAC 296-24-565	Means of egress, general.		
WAC 296-24-56501	Permissible exit components.		
WAC 296-24-56503	Protective enclosure of exits.		

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

WAC 296-24-005 Purpose and scope. ((The rules included in this chapter apply throughout the state of Washington, to any and all work places under the jurisdiction of the department of labor and industries. These rules are minimum safety requirements with which all industries must comply. Special industry rules which will complement or augment rules contained in this chapter, appear as vertical standards in other chapters of Title 296 WAC. By adherence to such rules industrial accidents may be eliminated or minimized.)) The rules in this chapter are designed to protect the safety and health of employees by creating a healthy work environment by establishing requirements to control safety hazards in the workplace. Chapter 296-800 WAC, the safety and health core rules, contain safety and health rules that apply to most

workplaces. Other special industry rules complement the rules found in this chapter and in the safety and health core rules.

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

WAC 296-24-70003 Eye protection. (1) Selection.

(a) Helmets or hand shields shall be used during all arc welding or arc cutting operations, excluding submerged arc welding.

Goggles should also be worn during arc welding or cutting operations to provide protection from injurious rays from adjacent work, and from flying objects. The goggles may have either clear or colored glass, depending upon the amount of exposure to adjacent welding operations. Helpers or attendants shall be provided with proper eye protection.

(b) Goggles or other suitable eye protection shall be used during all gas welding or oxygen cutting operations. Spectacles without side shields, with suitable filter lenses are permitted for use during gas welding operations on light work, for torch brazing or for inspection.

(c) All operators and attendants of resistance welding or resistance brazing equipment shall use transparent face shields or goggles, depending on the particular job, to protect their faces or eyes, as required.

(d) Eye protection in the form of suitable goggles shall be provided where needed for brazing operations not covered in (1)(a), (b) and (c) of this section.

(2) Specifications for protectors.

(a) Helmets and hand shields shall be made of a material which is an insulator for heat and electricity. Helmets, shields and goggles shall be not readily flammable and shall be capable of understanding sterilization.

(b) Helmets and hand shields shall be arranged to protect the face, neck and ears from direct radiant energy from the arc.

(c) Helmets shall be provided with filter plates and cover plates designed for easy removal.

(d) All parts shall be constructed of a material which will not readily corrode or discolor the skin.

(e) Goggles shall be ventilated to prevent fogging of the lenses as much as practicable.

(f) Cover lenses or plates should be provided to protect each helmet, hand shield or goggle filter lens or plate.

(g) All glass for lenses shall be tempered, substantially free from striae, air bubbles, waves and other flaws. Except when a lens is ground to provide proper optical correction for defective vision, the front and rear surfaces of lenses and windows shall be smooth and parallel.

(h) Lenses shall bear some permanent distinctive marking by which the source and shade may be readily identified.

(i) The following is a guide for the selection of the proper shade numbers. These recommendations may be varied to suit the individual's needs.

	Shade No.
(Welding Operation	
Shielded metal arc welding—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	10
Gas shielded arc welding (nonferrous)—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	11
Gas shielded arc welding (ferrous)—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	12
Shielded metal arc welding—3/16-, 7/32-, 1/4-inch electrodes	12
5/16-, 3/8-inch electrodes	14
Atomic hydrogen welding	10-14
Carbon arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, 6 inches and over	5 or 6
Gas welding (light) up to 1/8 inch	4 or 5
Gas welding (medium) 1/8 inch to 1/2 inch	5 or 6
Gas welding (heavy) 1/2 inch and over	6 or 8))

Filter Lenses for Protection against Radiant Energy

<u>Welding operation</u>	<u>Electrode Size 1/32 (inches)</u>	<u>Minimum protective arc current</u>	<u>Shade number</u>
<u>Shielded metal arc welding</u>	Less than 3	Less than 60	10
	3-5	60-160	10
	5-8	160-250	12
	More than 8	250-550	14
<u>Gas shielded arc welding (non-ferrous)</u>	2, 3, 4, 5		11
<u>Gas shielded arc welding (ferrous)</u>	2, 3, 4, 5		12
<u>Gas metal arc welding</u>		Less than 60	7
		60-160	10

PERMANENT

<u>Welding operation</u>	<u>Electrode Size 1/32 (inches)</u>	<u>Minimum protective arc current</u>	<u>Shade number</u>
		<u>160-250</u>	<u>10</u>
		<u>250-500</u>	<u>10</u>
<u>Flux cored arc welding</u>		<u>Less than 60</u>	<u>7</u>
		<u>60-160</u>	<u>10</u>
		<u>160-250</u>	<u>10</u>
		<u>250-500</u>	<u>10</u>
<u>Gas tungsten arc welding</u>		<u>Less than 50</u>	<u>8</u>
		<u>50-150</u>	<u>8</u>
		<u>150-500</u>	<u>10</u>
<u>Air carbon — light</u>		<u>Less than 500</u>	<u>10</u>
<u>Arc cutting — heavy</u>		<u>500-1000</u>	<u>11</u>
<u>Carbon arc welding</u>			<u>14</u>
<u>Plasma arc welding</u>		<u>Less than 20</u>	<u>6</u>
		<u>20-100</u>	<u>8</u>
		<u>100-400</u>	<u>10</u>
		<u>400-800</u>	<u>11</u>
<u>Plasma arc cutting</u>		<u>Less than 300 (light)</u>	<u>8</u>
		<u>300-400 (medium)</u>	<u>9</u>
		<u>400-800 (heavy)</u>	<u>10</u>
<u>Atomic hydrogen welding</u>			<u>10-14</u>
<u>Torch soldering</u>			<u>2</u>
<u>Torch brazing</u>			<u>3 or 4</u>
<u>Gas welding</u>			
<u>Light</u>	<u>Under 1/8</u>	<u>Under 3.2</u>	<u>3 or 4</u>

absorbs the yellow or sodium line in the visible light of the operation.

(j) All filter lenses and plates shall meet the test for transmission of radiant energy prescribed in ANSI Z 87.1-1968—American National Standard Practice for Occupational and Educational Eye and Face Protection.

(3) Protection from arc welding rays. Where the work permits, the welder should be enclosed in an individual booth painted with a finish of low-reflectivity such as zinc oxide (an important factor for absorbing ultraviolet radiations) and lamp black; or shall be enclosed with noncombustible screens similarly painted. Booths and screens shall permit circulation of air at floor level. Workers or other persons adjacent to the welding areas shall be protected from the rays by noncombustible or flameproof screens or shields or shall be required to wear appropriate goggles.

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

WAC 296-24-980 Safeguards for personnel protection. (1) Use of protective equipment.

(a) Personal protective equipment.

(i) Employees working in areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

Note: Personal protective equipment requirements are contained in chapter 296-24 WAC Part ((A-2)) L, and WAC 296-800-160.

(ii) Protective equipment shall be maintained in a safe, reliable condition and shall be periodically inspected or tested, as required by chapter 296-24 WAC Part ((A-2)) L, and WAC 296-800-160.

(iii) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected. (For example, an outer covering of leather is sometimes used for the protection of rubber insulating material.)

(iv) Employees shall wear nonconductive head protection wherever there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(v) Employees shall wear protective equipment for the eyes or face wherever there is danger of injury to the eyes or face from electric arcs or flashes or from flying objects resulting from electrical explosion.

(b) General protective equipment and tools.

(i) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(A) Fuse handling equipment, insulated for the circuit voltage, shall be used to remove or install fuses when the fuse terminals are energized.

(B) Ropes and handlines used near exposed energized parts shall be nonconductive.

Note: In gas welding or oxygen cutting where the torch produces a high yellow light, it is desirable to use a filter or lens that

PERMANENT

(ii) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

(2) Alerting techniques. The following alerting techniques shall be used to warn and protect employees from hazards which could cause injury due to electric shock, burns, or failure of electric equipment parts:

(a) Safety signs and tags. Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards which may endanger them, as required by chapter 296-24 WAC Part B-2.

(b) Barricades. Barricades shall be used in conjunction with safety signs where it is necessary to prevent or limit employee access to work areas exposing employees to uninsulated energized conductors or circuit parts. Conductive barricades may not be used where they might cause an electrical contact hazard.

(c) Attendants. If signs and barricades do not provide sufficient warning and protection from electrical hazards, an attendant shall be stationed to warn and protect employees.

(3) Design requirements. Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following requirements:

(a) Manufacture and marking.

(i) Blankets, gloves, and sleeves shall be produced by a seamless process.

(ii) Each item shall be clearly marked as follows:

(A) Class 0 equipment shall be marked Class 0.

(B) Class 1 equipment shall be marked Class 1.

(C) Class 2 equipment shall be marked Class 2.

(D) Class 3 equipment shall be marked Class 3.

(E) Class 4 equipment shall be marked Class 4.

(F) Nonozone-resistant equipment other than matting shall be marked Type I.

(G) Ozone-resistant equipment other than matting shall be marked Type II.

(H) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.

(iii) Markings shall be nonconducting and shall be applied in such a manner as not to impair the insulating qualities of the equipment.

(iv) Markings on gloves shall be confined to the cuff portion of the glove.

(b) Electrical requirements.

(i) Equipment shall be capable of withstanding the a-c proof-test voltage specified in Table A-2 or the d-c proof-test voltage specified in Table A-3.

(A) The proof-test shall reliably indicate that the equipment can withstand the voltage involved.

(B) The test voltage shall be applied continuously for three minutes for equipment other than matting and shall be applied continuously for one minute for matting.

(C) Gloves shall also be capable of withstanding the a-c proof-test voltage specified in Table A-2 after a sixteen-hour water soak. (See the note following (c)(ii)(B) of this subsection.)

(ii) When the a-c proof-test is used on gloves, the 60 hertz proof-test current may not exceed the values specified in Table A-2 at any time during the test period.

(A) If the a-c proof-test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.

(B) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table A-4. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.

(C) After the sixteen-hour water soak specified in (b)(i)(C) of this subsection, the 60-hertz proof-test current may exceed the values given in Table A-2 by not more than 2 milliamperes.

(iii) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection. (See the note following (c)(ii)(B) of this subsection.)

(iv) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material. (See the note following (c)(ii)(B) of this subsection.)

(c) Workmanship and finish.

(i) Equipment shall be free of harmful physical irregularities that can be detected by the tests or inspections required under this section.

(ii) Surface irregularities that may be present on all rubber goods because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process and that may appear as indentations, protuberances, or imbedded foreign material are acceptable under the following conditions:

(A) The indentation or protuberance blends into a smooth slope when the material is stretched.

(B) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.

Note: Rubber insulating equipment meeting the following national consensus standards is deemed to be in compliance with subsection (1) of this section:

American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.

ASTM D 178-93, Specification for Rubber Insulating Matting.

ASTM D 1048-93, Specification for Rubber Insulating Blankets.

ASTM D 1049-93, Specification for Rubber Insulating Covers.

ASTM D 1050-90, Specification for Rubber Insulating Line Hose.

ASTM D 1051-87, Specification for Rubber Insulating Sleeves.

These standards contain specifications for conducting the various tests required in subsection (1) of this section. For example, the a-c and d-c proof-tests, the breakdown test, the

water soak procedure, and the ozone test mentioned in this paragraph are described in detail in the ASTM standards.

(4) In-service care and use.

(a) Electrical protective equipment shall be maintained in a safe, reliable condition.

(b) The following specific requirements apply to insulating blankets, covers, line hose, gloves, and sleeves made of rubber:

(i) Maximum use voltages shall conform to those listed in Table A-5.

(ii) Insulating equipment shall be inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of having caused damage. Insulating gloves shall be given an air test, along with the inspection.

(iii) Insulating equipment with any of the following defects may not be used:

(A) A hole, tear, puncture, or cut;

(B) Ozone cutting or ozone checking (the cutting action produced by ozone on rubber under mechanical stress into a series of interlacing cracks);

(C) An embedded foreign object;

(D) Any of the following texture changes: Swelling, softening, hardening, or becoming sticky or inelastic.

(E) Any other defect that damages the insulating properties.

(iv) Insulating equipment found to have other defects that might affect its insulating properties shall be removed from service and returned for testing under (b)(viii) and (ix) of this subsection.

(v) Insulating equipment shall be cleaned as needed to remove foreign substances.

(vi) Insulating equipment shall be stored in such a location and in such a manner as to protect it from light, temperature extremes, excessive humidity, ozone, and other injurious substances and conditions.

(vii) Protector gloves shall be worn over insulating gloves.

(viii) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum intervals between tests shall be in accordance with Table A-5 and Table A-6.

<u>Table A-2. -A-C Proof-Test Requirements</u>	<u>Proof-test voltage rms</u>	<u>267-mm (10.5-in) glove</u>	<u>356-mm (14-in) glove</u>	<u>406-mm (16-in) glove</u>	<u>457-mm (18-in) glove</u>
<u>Maximum proof-test current, mA (gloves only)</u>	<u>V</u>				
<u>Class of equipment</u>					
<u>0</u>	<u>5,000</u>	<u>8</u>	<u>12</u>	<u>14</u>	<u>16</u>
<u>1</u>	<u>10,000</u>		<u>14</u>	<u>16</u>	<u>18</u>
<u>2</u>	<u>20,000</u>		<u>16</u>	<u>18</u>	<u>20</u>
<u>3</u>	<u>30,000</u>		<u>18</u>	<u>20</u>	<u>22</u>
<u>4</u>	<u>40,000</u>			<u>22</u>	<u>24</u>

<u>Table A-3. -D-C Proof-Test Requirements</u>	<u>Class of equipment</u>	<u>Proof-test voltage</u>
	<u>0</u>	<u>20,000</u>
	<u>1</u>	<u>40,000</u>
		<u>2</u>
		<u>3</u>
		<u>4</u>
		<u>50,000</u>
		<u>60,000</u>
		<u>70,000</u>

(ix) The test method used under (b)(viii) and (xi) of this subsection shall reliably indicate whether the insulating equipment can withstand the voltages involved.

Note: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards:
American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.
ASTM D 1048-93, Specification for Rubber Insulating Blankets.
ASTM D 1049-93, Specification for Rubber Insulating Covers.
ASTM D 1050-90, Specification for Rubber Insulating Line Hose.
ASTM D 1051-87, Specification for Rubber Insulating Sleeves.
ASTM F 478-92, Specification for In-Service Care of Insulating Line Hose and Covers.
ASTM F 479-88a, Specification for In-Service Care of Insulating Blankets.
ASTM F 496-93b, Specification for In-Service Care of Insulating Gloves and Sleeves.

(x) Insulating equipment failing to pass inspections or electrical tests shall not be used by employees, except as follows:

(A) Rubber insulating line hose could be used in shorter lengths with the defective portion cut off.

(B) Rubber insulating blankets could be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.

(C) Rubber insulating blankets could be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than twenty-two inches by twenty-two inches (560 mm by 560 mm) for Class 1, 2, 3, and 4 blankets.

(xi) Repaired insulating equipment shall be retested before it may be used by employees.

(xii) The employer shall certify that equipment has been tested in accordance with the requirements of (b)(viii), (ix), and (xi) of this subsection. The certification shall identify the equipment that passed the test and the date it was tested.

Note: Marking of equipment and entering the results of the tests and the dates of testing onto logs are two acceptable means of meeting this requirement.

PERMANENT

Note: The d-c voltages listed in this table are not appropriate for proof-testing rubber insulating line hose or covers. For this equipment, d-c proof-tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table A-4. See ASTM D 1050-90 and ASTM D 1049-88 for further information on proof-tests for rubber insulating line hose and covers.

Rubber insulating sleeves Before first issue and every 12 months thereafter.¹

¹ If the insulating equipment has been electrically tested but not issued for service, it may not be placed into service unless it has been electrically tested within the previous 12 months.

<u>Table A-4. -Glove Tests-Water Level^{1,2}</u>	<u>mm.</u>	<u>A-C proof-test in.</u>	<u>mm.</u>	<u>D-C proof-test in.</u>
<u>Class of glove</u>				
0	38	1.5	38	1.5
1	38	1.5	51	2.0
2	64	2.5	76	3.0
3	89	3.5	102	4.0
4	127	5.0	153	6.0

- ¹ The water level is given as the clearance from the cuff of the glove to the water line, with a tolerance of 13 mm. (0.5 in.).
- ² If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.).

<u>Table A-5. -Rubber Insulating Equipment Voltage Requirements</u>	<u>Maximum use voltage¹ a-c-rms</u>	<u>Retest voltage² a-c-rms</u>	<u>Retest voltage² d-c-rms</u>
<u>Class of equipment</u>			
0	1,000	5,000	20,000
1	7,500	10,000	40,000
2	17,000	20,000	50,000
3	26,500	30,000	60,000
4	36,000	40,000	70,000

Note: Rubber gloves shall only be used on voltages of 5000 volts phase-to-phase or less.

¹The maximum use voltage is the a-c voltage (rms) classification of the protective equipment that designates the maximum nominal design/voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design/voltage:

- 1. If there is no multiphase exposure in a system area and if the voltage exposure is limited to the phase-to-ground potential, or
- 2. If the electrical equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.

²The proof-test voltage shall be applied continuously for at least one minute, but no more than three minutes.

<u>Table A-6. -Rubber Insulating Equipment Test Intervals</u>	<u>Type of equipment</u>	<u>When to test</u>
	<u>Rubber insulating line hose</u>	<u>Upon indication that insulating value is suspect.</u>
	<u>Rubber insulating covers</u>	<u>Upon indication that insulating value is suspect.</u>
	<u>Rubber insulating blankets</u>	<u>Before first issue and every 12 months thereafter.¹</u>
	<u>Rubber insulating gloves</u>	<u>Before first issue and every 6 months thereafter.¹</u>

(5) Where switches or fuses of more than 150 volts to ground are not guarded during ordinary operations, suitable insulating floors, mats or platforms shall be provided on which the operator must stand while handling the switches.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-24-001 Foreword.
- WAC 296-24-006 Equipment approval by non-state agency or organization.
- WAC 296-24-07801 General.
- WAC 296-24-092 Electrical protective equipment.
- WAC 296-24-096 Appendix A to Part A-2—References for further information (nonmandatory).

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

WAC 296-24-567 Employee emergency plans and fire prevention plans. (1) Emergency action plan.

(a) Scope and application. This subdivision applies to all emergency action plans required by a particular WISHA standard. The emergency action plan shall be in writing, and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

(b) Elements. The following elements, at a minimum, shall be included in the plan:

- (i) Emergency escape procedures and emergency escape route assignments;
 - (ii) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
 - (iii) Procedures to account for all employees after emergency evacuation has been completed;
 - (iv) Rescue and medical duties for those employees who are to perform them;
 - (v) The preferred means of reporting fires and other emergencies; and
 - (vi) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.
- (c) Alarm systems.
- ~~((i) The employer shall establish an employee alarm system which complies with WAC 296-24-631.~~
- (ii) If the employee alarm system is used for alerting fire brigade members, or for other purposes, a distinctive signal

PERMANENT

~~for each purpose shall be used.)) You must establish an employee alarm system which complies with WAC 296-800-310. The employee alarm system must provide warning for necessary emergency action as called for in your emergency action plan. The employee alarm must be distinctive and recognizable as a signal to perform actions designed under the emergency action plan.~~

(d) Evacuation. The employer shall establish in the emergency action plan the types of evacuation to be used in emergency circumstances.

(e) Training.

(i) Before implementing the emergency action plan, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

(ii) The employer shall review the plan with each employee covered by the plan at the following times:

(A) Initially when the plan is developed;

(B) Whenever the employee's responsibilities or designated actions under the plan change; and

(C) Whenever the plan is changed.

(iii) The employer shall review with each employee upon initial assignment those parts of the plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review.

(2) Fire prevention plan.

(a) Scope and application. This subsection applies to all fire prevention plans required by a particular WISHA standard. The fire prevention plan shall be in writing.

(b) Elements. The following elements, at a minimum, shall be included in the fire prevention plan:

(i) A list of the major workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking and others) and their control procedures, and the type of fire protection equipment or systems which can control a fire involving them;

(ii) Names or regular job titles of those personnel responsible for maintenance of equipment and systems installed to prevent or control ignitions or fires; and

(iii) Names or regular job titles of those personnel responsible for control of fuel source hazards.

(c) Housekeeping. The employer shall control accumulations of flammable and combustible waste materials and residues so that they do not contribute to a fire emergency. The housekeeping procedures shall be included in the written fire prevention plan.

(d) Training.

(i) The employer shall apprise employees of the fire hazards of the materials and processes to which they are exposed.

(ii) The employer shall review with each employee upon initial assignment those parts of the fire prevention plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept in the workplace and made available for employee review.

(e) Maintenance. The employer shall regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials. The

maintenance procedures shall be included in the written fire prevention plan.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-59201 Scope and application. The requirements of this section apply to the ~~((placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees. WAC 296-24-59207 does not apply to extinguishers provided for employee use on the outside of workplace buildings or structures. Where extinguishers are provided but are not intended for employee use and the employer has an emergency action plan and a fire prevention plan which meet the requirements of WAC 296-24-567, then only the requirements of WAC 296-24-59209 and 296-24-59211 apply))~~ hydrostatic testing of portable fire extinguishers provided for the use of employees.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-61705 Total flooding systems with potential health and safety hazards to employees. (1) The employer shall provide an emergency action plan in accordance with WAC 296-24-567 for each area within a workplace that is protected by a total flooding system which provides agent concentrations exceeding the maximum safe levels.

(2) Systems installed in areas where employees cannot enter during or after the system's operation are exempt from the requirements of this section.

(3) On all total flooding systems the employer ~~((shall))~~ must provide a predischage employee alarm which ~~((complies with WAC 296-24-631, and is capable of being perceived above ambient light or noise levels before the system discharges, which))~~ will give employees time to safely exit from the discharge area prior to system discharge.

Your predischage employee alarm systems must:

- Provide enough warning to allow employees to safely escape from the workplace or the immediate work area or both;

- Be capable of being perceived above ambient noise or light levels by all employees in the affected portions of the workplace before system discharge;

- Be distinctive and recognizable as a signal to evacuate the work area;

- Be kept in operating condition except when undergoing repairs or maintenance.

You must explain to each employee how to report emergencies in your workplace. Methods of reporting emergencies include manual pull box alarms, public address systems, radio, or telephones. Post emergency telephone numbers near telephones, or employee notice boards, or other conspicuous locations if you use telephones to report emergencies.

If you use a communication system that also serves as an employee alarm system, all emergency messages must have priority over all nonemergency messages.

(4) The employer shall provide automatic actuation of total flooding systems by means of an approved fire detection

PERMANENT

device installed and interconnected with a predischarge employee alarm system to give employees time to safely exit from the discharge area prior to system discharge.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-62203 Specific requirements. (1) The employer shall assure that dry chemical agents are compatible with any foams or wetting agents with which they are used.

(2) The employer may not mix together dry chemical extinguishing agents of different compositions. The employer shall assure that dry chemical systems are refilled with the chemical stated on the approval nameplate or an equivalent compatible material.

(3) When dry chemical discharge may obscure vision, the employer ~~((shall))~~ must provide a predischarge employee alarm ~~((which complies with WAC 296-24-631, and))~~ which will give employees time to safely exit from the discharge area prior to system discharge.

Your predischarge employee alarm systems must:

• Provide enough warning to allow employees to safely escape from the workplace or the immediate work area or both.

• Be capable of being perceived above ambient noise or light levels by all employees in the affected portions of the workplace before system discharge.

• Be distinctive and recognizable as a signal to evacuate the work area.

• Be kept in operating condition except when undergoing repairs or maintenance.

You must explain to each employee how to report emergencies in your workplace. Methods of reporting emergencies include manual pull box alarms, public address systems, radio, or telephones. Post emergency telephone numbers near telephones, or employee notice boards, or other conspicuous locations if you use telephones to report emergencies.

If you use a communication system that also serves as an employee alarm system, all emergency messages must have priority over all nonemergency messages.

(4) The employer shall sample the dry chemical supply of all but stored pressure systems at least annually to assure that the dry chemical supply is free of moisture which may cause the supply to cake or form lumps.

(5) The employer shall assure that the rate of application of dry chemicals is such that the designed concentration of the system will be reached within thirty seconds of initial discharge.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-200 Scope and application. (1) This chapter sets forth safety and health standards that apply to the work conditions, practices, means, methods, operations, installations and processes performed at telecommunications centers and at telecommunications field installations, which are located outdoors or in building spaces used for such field installations. "Center" work includes the installation, opera-

tion, maintenance, rearrangement, and removal of communications equipment and other associated equipment in telecommunications switching centers. "Field" work includes the installation, operation, maintenance, rearrangement, and removal of conductors and other equipment used for signal or communication service, and of their supporting or containing structures, overhead or underground, on public or private rights of way, including buildings or other structures.

(2) These standards do not apply:

(a) To construction work, as defined in chapter 296-155 WAC, nor

(b) To installations under the exclusive control of electric utilities used for the purpose of communications or metering, or for generation, control, transformation, transmission, and distribution of electric energy, which are located in buildings used exclusively by the electric utilities for such purposes, or located outdoors on property owned or leased by the electric utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(3) Operations or conditions not specifically covered by this chapter are subject to all the applicable standards contained in chapter 296-24 WAC, general safety and health standards, and chapter 296-800 WAC, the safety and health core rules. Operations which involve construction work, as defined in chapter 296-155 WAC are subject to all the applicable standards contained in chapter 296-155 WAC, safety standards for construction work.

(4) This standard shall augment the Washington state general safety and health standards, general occupational health standards, electrical workers safety rules, and any other standards which are applicable to all industries governed by chapter 80, Laws of 1973, Washington Industrial Safety and Health Act. In the event of any conflict between any portion of this chapter and any portion of any of the general application standards, the provisions of this chapter 296-32 WAC, shall apply.

(5) In exceptional cases where compliance with specific provisions of this chapter can only be accomplished to the serious detriment and disadvantage of an operation, variance from the requirement may be permitted by the director of the department of labor and industries after receipt of application for variance which meets the requirements of WAC ~~((296-24-010, general safety and health standards))~~ 296-350-700.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-32-220 General. (1) Buildings containing telecommunications centers.

(a) Illumination. Lighting in telecommunication centers shall be provided in an amount such that continuing work operations, routine observations, and the passage of employees can be carried out in a safe and healthful manner.

(b) Specific tasks in centers, such as splicing cable and the maintenance and repair of equipment frame lineups, the employer shall install permanent lighting or portable supplemental lighting to attain a higher level of illumination.

(c) Refer to WAC ~~((296-62-09003 (general occupational health standards))~~) 296-800-210 which shall apply as minimum standards of illumination for industrial interiors.

(d) Illumination of field work. Whenever natural light is insufficient to illuminate the worksite, artificial illumination shall be provided to enable the employee to perform the work safely.

(2) Working surfaces.

(a) Working surfaces shall be in conformance with the latest edition of the general safety and health standard WAC 296-24-735 through 296-24-76523, and chapter 296-800 WAC, the safety and health core rule book.

(b) Guard rails and toe boards may be omitted on distribution frame mezzanine platforms to permit access to equipment. This exemption applies only on the side or sides of the platform facing the frames and only on those portions of the platform adjacent to equipped frames.

(3) Working spaces.

(a) Space shall be provided for access to all medium high and high voltage equipment.

(b) Every structure, new or old, designed for human occupancy shall be provided with exits to permit the prompt escape of occupants in case of fire or other emergency. The means of egress shall be a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consist of three separate and distinct parts; the way of exit access, the exit and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards.

(c) "Maintenance aisles," or "wiring aisles," between equipment frame lineups are working spaces and are not a means of egress for purposes of WAC 296-24-550 and 296-800-310.

(4) Special doors.

(a) When blastproof or power actuated doors are installed in specially designed hardsite security buildings and spaces, they shall be designed and installed so that they can be used as a means of egress in emergencies.

(b) When high voltage apparatus is isolated in a supplementary enclosure, interlocks shall be provided on all access doors. Warning signs shall be provided, which are visible both when the guard or cover is in place or removed.

(5) Equipment, machinery and machine guarding.

(a) When power plant machinery in telecommunications centers is operated with commutators and couplings uncovered, the adjacent housing shall be clearly marked to alert personnel to the rotating machinery.

(b) All power switches on power panels shall be in an open position when they are not controlling an operating circuit. Before opening any power circuit, the load shall be reduced. "Men working" signs, or similar wording shall be placed on switches associated with motors or generators under repair.

(c) When working on the brushes of a machine in operation, employees shall use care not to break a circuit. When it is necessary to remove a brush from the holder, the machine shall be shut down.

(d) Only fuse pullers specifically designed for that purpose shall be used when replacing cartridge type fuses.

(6) Battery handling.

(a) Eye protection devices which provide side as well as frontal eye protection for employees shall be provided when measuring storage battery specific gravity or handling electrolyte, and the employer shall ensure that such devices are used by the employees.

(b) The employer shall also ensure that acid resistant gloves and aprons shall be worn for protection against spattering.

(c) Facilities for quick drenching or flushing of the eyes and body shall be provided unless the storage batteries are of the enclosed type and equipped with explosion proof vents, in which case sealed water rinse or neutralizing packs may be substituted for the quick drenching or flushing facilities.

(d) Employees assigned to work with storage batteries shall be instructed in emergency procedures such as dealing with accidental acid spills.

(e) Electrolyte (acid or base, and distilled water) for battery cells shall be mixed in a well ventilated room. Acid or base shall be poured gradually, while stirring, into the water. Water shall never be poured into concentrated (greater than 75 percent) acid solutions. Electrolyte shall never be placed in metal containers nor stirred with metal objects.

(f) When taking specific gravity readings, the open end of the hydrometer shall be covered with an acid resistant material while moving it from cell to cell to avoid splashing or throwing the electrolyte.

(g) Ventilation, shall be provided to ensure diffusion of the gasses from the battery to prevent the accumulation of an explosive type mixture.

(h) Racks and trays shall be substantial and treated to be resistant to the electrolyte.

(i) Floors shall be of acid resistant construction or be protected from acid accumulation.

(7) Hazardous materials.

(a) Highway mobile vehicles and trailers stored in garages in accordance with WAC 296-24-47513 (4)(b) may be equipped to carry more than one LP-gas container, but the total capacity of LP-gas containers per work vehicle stored in garages shall not exceed 100 pounds of LP-gas.

(b) All container valves shall be closed when not in use.

(8) Compressed gas.

(a) When using or transporting nitrogen cylinders, special compartments, racks, or blocking shall be provided to prevent cylinder movement.

(b) Regulators shall be removed or guarded before a cylinder is transported.

(9) Support structures.

(a) No employee, or any material or equipment, shall be supported or permitted to be supported on any portion of a pole structure, platform, ladder, walkway or other elevated structure or aerial device unless the employer ensures that the support structure is first inspected by a competent person and it is determined to be strong, in good working condition and properly secured in place.

(b) Workers shall not throw anything from pole to ground, from pole to pole or from ground to pole.

(10) Power exposures.

(a) The employer shall ensure that no employee approaches or takes any conductive object closer to any elec-

trically energized overhead power lines and parts than prescribed in Table 1 unless:

(i) The employee is insulated or guarded from the energized parts (insulating gloves rated for the voltage involved shall be considered adequate insulation), or

(ii) The energized parts are insulated or guarded from the employee and any other conductive object at a different potential, or

(iii) The power conductors and equipment are deenergized and grounded.

(b) While handling communication wires, metal sheaths, or communication equipment, contact shall be avoided with street lamp brackets, trolley span wires, power guys, transformer cases and any other power equipment that may be energized. The safest possible working position shall be assumed before starting work.

(c) Communication employees shall never work in the pole space on jointly used poles between normal primary and secondary attachments.

(d) Where a hazard of a power contact exists, due to use of long handled tools, proper rubber equipment shall be used.

TABLE 1

APPROACH DISTANCES TO EXPOSED ENERGIZED OVERHEAD POWER LINES AND PARTS

Voltage Range (phase to phase, RMS)	Approach Distance (inches)
300 V and less	(1)
Over 300 V, not over 750 V	12
Over 750 V not over 2 kV	18
Over 2 kV, not over 15 kV	24
Over 15 kV, not over 37 kV	36
Over 37 kV, not over 87.5 kV	42
Over 87.5 kV, not over 121 kV	48
Over 121 kV, not over 140 kV	54

(1) Avoid contact.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-32-230 Training. (1) Employers shall provide training in the various precautions and safe practices described in this section and shall insure that employees do not engage in the activities to which this chapter applies until such employees have received proper training in the various precautions and safe practices required by this section. However, where the employer can demonstrate that an employee is already trained in the precautions and safe practices required by this section prior to their employment, training need not be provided to that employee in accordance with this section.

(2) Where training is required, it shall consist of on-the-job training or classroom-type training or a combination of both.

(3) The training program shall include a list of the subject courses and the types of personnel required to receive such instruction. A written description of the training program and a record of employees who have received such

training shall be maintained for the duration of the employee's employment and shall be made available upon request to the director of the department of labor and industries, or his/her authorized representative.

(4) Such training shall, where appropriate, include the following subjects:

(a) Recognition and avoidance of dangers relating to encounters with harmful substances, and animal, insect, or plant life.

(b) Procedures to be followed in emergency situations, and

(c) First aid training, including instruction in artificial respiration.

(5) It shall be the responsibility of the employer to hold monthly safety meetings at practical points throughout the operation and insist upon employees attending said meetings. Minutes shall be kept of each safety meeting and retained for a period of one year.

(6) It shall be the responsibility of management to develop and maintain a chemical hazard communication program as required by (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-32-250 Tools and personal protective equipment—General. (1) Personal protective equipment, protective devices and special tools needed for the work of employees shall be provided and the employer shall ensure that they are used by employees.

(a) Before each day's use the employer shall ensure that these personal protective devices, tools, and equipment are carefully inspected by a competent person to ascertain that they are in good condition.

(b) Tools found to be defective shall be taken out of service.

(2) Head protection. Class B protective helmets shall be provided whenever there is exposure to overhead hazards and/or possible high voltage electrical contact.

(a) Employees working in areas where there is a possible danger of head injury from impact, falling or flying objects, shall be protected by protective helmets.

(b) Criteria for protective helmets.

(i) Protective helmets purchased after February 20, 1995, shall comply with ANSI Z89.1-1986, "American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements," which is incorporated by reference, or shall be demonstrated to be equally effective.

(ii) Protective helmets purchased before February 20, 1995, shall comply with the ANSI standard "American National Standard Safety Requirements for Industrial Head Protection," ANSI Z89.1-1969, or shall be demonstrated by the employer to be equally effective.

(3) Eye protection. Protective eye and face equipment shall be required where there is a possibility of injury that can be prevented by such equipment. In such cases, employers

PERMANENT

shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors.

Note: See ((chapter 296-24 WAC, Part A-2;)) WAC 296-800-160 for additional personal protective equipment requirements.

(4) Tent heaters, torches and open flame. Open flames shall not be used within ground tents or on platforms within aerial tents unless:

(a) The tent covers are constructed of fire resistant materials, and

(b) Ventilation is provided to maintain safe oxygen levels and avoid harmful buildup of combustion products and combustible gases.

(5) Portable power equipment.

(a) All portable power equipment used in the telecommunications industry shall be grounded.

(b) Nominal 120V, or less, portable generators used for providing power at work locations do not require grounding if the output circuit is completely isolated from the frame of the unit.

(c) Grounding shall be omitted when using soldering irons, guns or wire-wrap tools on telecommunication circuits.

(6) Vehicle-mounted utility generators. Vehicle-mounted utility generators used for providing nominal 240V AC or less for powering portable tools and equipment need not be grounded to earth if all of the following conditions are met:

(a) One side of the voltage source is solidly strapped to the metallic structure of the vehicle;

(b) Grounding-type outlets are used, with a "grounding" conductor between the outlet grounding terminal and the side of the voltage source that is strapped to the vehicle;

(c) All metallic encased tools and equipment that are powered from this system are equipped with three-wire cords and grounding-type attachment plugs, except as designated in subsection (7) of this section.

(7) Portable lights, tools and appliances. When operated from commercial power such metal parts of these devices shall be grounded, unless these tools or appliances are protected by a system of double insulation, or its equivalent. Where such a system is employed, the equipment shall be distinctively marked to indicate double insulation.

(8) Lead work. When operated from commercial power the metal housing of electric solder pots shall be grounded. Electric solder pots may be used with the power equipment described in this subsection, without a grounding conductor.

The employer shall ensure that wiping gloves or cloths and eye protection are used in lead wiping operations. A drip pan to catch hot lead drippings shall also be provided and used.

(9) Fire extinguishers.

(a) Fire extinguishers shall be provided for the protection of both the building structure and the occupancy hazards contained therein.

(b) Employees shall be familiar with the location and operation of fire extinguishers.

(c) Any fire extinguishers showing defects shall be removed from service.

(d) Fire extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety once every year.

(e) Each fire extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person performing this service.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-32-260 Rubber insulating equipment. (1)

Rubber insulating equipment designed for the voltage levels to be encountered shall be provided and the employer shall ensure that they are used by employees as required by this section. The requirements of WAC ((296-24-092)) 296-24-980, Electrical protective equipment, shall be followed except for Table A-6.

(2) The employer is responsible for periodic retesting of all insulating gloves, blankets, and other rubber insulating equipment. This retesting shall be electrical, visual and mechanical. The following maximum retesting intervals shall apply:

Gloves, Blankets, and Other Insulating Equipment	Natural Rubber (Months)	Synthetic Rubber (Months)
New _____	12	18
Reissued _____	9	15

(3) Protector for gloves. Approved protectors must be worn at all times over rubber gloves. Inner liners may be worn if desired.

(4) Gloves and blankets shall be marked to indicate compliance with the retest schedule and shall be marked with the date the next test date is due.

Any rubber gloves found to be defective shall be removed from service and marked as being defective.

(5) Patching rubber goods is prohibited; rubber protective equipment shall not be vulcanized or patched.

(6) Rubber gloves for workers. A pair of rubber gloves, specifically designed for the protection of workers, shall be assigned each worker when required to work on or be exposed to energized parts.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-37-510 Scope and application. (1) The requirements included in this vertical chapter shall apply throughout the state wherever diving takes place within the jurisdiction of the department of labor and industries. These requirements shall also be applicable to those diving related and supportive work activities not at the diving site but which have a direct effect on the safety of the diving operations. Examples may include but are not limited to: The supply of breathing air or gas; the supply of materials, equipment or supplies required by this chapter; the maintenance of diving equipment.

PERMANENT

(2) This standard applies to diving and related support operations conducted in connection with all types of work and employments, including general industry, construction, ship repairing, shipbuilding, shipbreaking and longshoring. However, this standard does not apply to any diving operation:

(a) Performed solely for instructional purposes, using open-circuit, compressed-air SCUBA and conducted within the no-decompression limits;

(b) Performed solely for search, rescue, or related public safety purposes by or under the control of a governmental agency; or

(c) Governed by 45 CFR Part 46 (Protection of Human Subjects, United States Department of Health and Human Services) or equivalent rules or regulations established by another federal agency, which regulate research, development, or related purposes involving human subjects.

(d) Defined as scientific diving and which is under the direction and control of a diving program containing at least the following elements:

(i) Diving safety manual which includes at a minimum: Procedures covering all diving operations specific to the program; procedures for emergency care, including recompression and evacuation; and criteria for diver training and certification.

(ii) Diving control (safety) board, with the majority of its members being active divers, which shall at a minimum have the authority to: Approve and monitor diving projects; review and revise the diving safety manual; assure compliance with the manual; certify the depths to which a diver has been trained; take disciplinary action for unsafe practices; and, assure adherence to the buddy system (a diver is accompanied by and is in continuous contact with another diver in the water) for SCUBA diving.

(3) This chapter shall augment the requirements of the general safety and health standard, chapter 296-24 WAC (~~and~~), the general occupational health standard, chapter 296-62 WAC, and safety and health core rules, chapter 296-800 WAC. In instances where this chapter is in direct conflict with the requirements of any general horizontal standard, the requirements of this chapter shall apply.

(4) Hoisting gear used in diving operations shall be inspected and certified as required by chapter 296-56 WAC, safety standards for longshore, stevedore and related waterfront operations.

(5) Application in emergencies. An employer may deviate from the requirements of this standard to the extent necessary to prevent or minimize a situation which is likely to cause death, serious physical harm, or major environmental damage, provided that the employer:

(a) Notifies the assistant director of the department of labor and industries in Olympia or the regional administrator for the region within 48 hours of the onset of the emergency situation indicating the nature of the emergency and extent of the deviation from the prescribed regulations; and

(b) Upon request from the authority notified, submits such information in writing.

(6) Employer obligation. The employer shall be responsible for compliance with:

(a) All provisions of this standard of general applicability; and

(b) All requirements pertaining to specific diving modes to the extent diving operations in such modes are conducted.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-37-575 Recordkeeping requirements. (1)

Recording and reporting.

(a) The employer shall comply with the requirements of chapters 296-27 (~~and~~), 296-350, and 296-800 WAC.

(b) The employer shall record the occurrence of any diving-related injury or illness which requires any dive team member to be hospitalized for 24 hours or more, specifying the circumstances of the incident and the extent of any injuries or illnesses.

(2) Availability of records.

(a) Upon the request of the director of the department of labor and industries or his duly authorized designees, the employer shall make available for inspection and copying any record or document required by this standard.

(b) Records and documents required by this standard shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Safe practices manuals (WAC 296-37-530), depth-time profiles (WAC 296-37-540), recording of dives (WAC 296-37-545), decompression procedure assessment evaluations (WAC 296-37-545), and records of hospitalizations (WAC 296-37-575) shall be provided in the same manner as employee exposure records or analyses using exposure or medical records. Equipment inspections and testing records which pertain to employees (WAC 296-37-570) shall also be provided upon request to employees and their designated representatives.

(c) Records and documents required by this standard shall be retained by the employer for the following period:

(i) Dive team member medical records (physician's reports) (WAC 296-37-525) - five years;

(ii) Safe practices manual (WAC 296-37-530) - current document only;

(iii) Depth-time profile (WAC 296-37-540) - until completion of the recording of dive, or until completion of decompression procedure assessment where there has been an incident of decompression sickness;

(iv) Recording dive (WAC 296-37-545) one year, except five years where there has been an incident of decompression sickness;

(v) Decompression procedure assessment evaluations (WAC 296-37-545) - five years;

(vi) Equipment inspections and testing records (WAC 296-37-570) - current entry or tag, or until equipment is withdrawn from service;

(vii) Records of hospitalizations (WAC 296-37-575) - five years.

(d) After the expiration of the retention period of any record required to be kept for five years, the employer shall forward such records to the National Institute for Occupational Safety and Health, Department of Health and Human

Services. The employer shall also comply with any additional requirements set forth in WAC 296-62-05215.

(e) In the event the employer ceases to do business:

(i) The successor employer shall receive and retain all dive and employee medical records required by this standard; or

(ii) If there is no successor employer, dive and employee medical records shall be forwarded to the National Institute for Occupational Safety and Health, Department of Health and Human Services.

AMENDATORY SECTION (Amending WSR 99-09-080, filed 4/20/99, effective 8/1/99)

WAC 296-45-015 Scope and application. (1) This chapter covers the operation and maintenance of electric power generation, control, transformation, transmission, and distribution lines and equipment. These provisions apply to:

(a) Power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees;

Note: The types of installations covered by this chapter include the generation, transmission, and distribution installations of electric utilities, as well as equivalent installations of industrial establishments. Trolley maintenance, jumpering, and bypass is also covered by this chapter. Supplementary electric generating equipment that is used to supply a workplace for emergency, standby, or similar purposes only is covered under Part L of chapter 296-24 WAC and WAC 296-800-280.

(b) Other installations at an electric power generating station, as follows:

(i) Fuel and ash handling and processing installations, such as coal conveyors;

(ii) Water and steam installations, such as penstocks, pipelines, and tanks, providing a source of energy for electric generators; and

(iii) Chlorine and hydrogen systems.

(c) Test sites where electrical testing involving temporary measurements associated with electric power generation, transmission, and distribution is performed in laboratories, in the field, in substations, and on lines, as opposed to metering, relaying, and routine line work;

(d) Work on or directly associated with the installations covered in subsections (1)(a) through (c) of this section; and

(e) Line-clearance tree-trimming operations, as follows:

(i) This chapter except WAC 296-45-455, applies to line-clearance tree-trimming operations performed by qualified employees (those who are knowledgeable in the construction and operation of electric power generation, transmission, or distribution equipment involved, along with the associated hazards).

(ii) WAC 296-45-065, 296-45-125, 296-45-135, 296-45-255, 296-45-315, 296-45-375, and 296-45-455 through 296-45-45530 apply to line-clearance tree-trimming operations performed by line-clearance tree trimmers who are not qualified employees.

(2) Notwithstanding subsection (1) of this section, this chapter does not apply to electrical installations, electrical

safety-related work practices, or electrical maintenance considerations covered by Part L of chapter 296-24 WAC and WAC 296-800-280.

Note 1: Work practices conforming to WAC 296-24-970 through 296-24-985 are considered as complying with the electrical safety-related work practice requirements of this chapter, provided the work is being performed on a generation or distribution installation meeting WAC 296-24-95601 through 296-24-95699. This chapter also applies to work by qualified persons directly on or associated with installations of electric power generation, transmission, and distribution lines or equipment, regardless of compliance with WAC 296-24-970 through 296-24-985.

Note 2: Work practices performed by qualified persons and conforming to this chapter are considered as complying with WAC 296-24-95601 through 296-24-95699.

(3) This section applies in addition to all other applicable safety and health standards administered by the department. Specific references in this section to other standards are provided for emphasis only.

(4) Operation, conditions, work methods and other work related situations or activities not specifically covered by this chapter are subject to the rules and regulations of chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-155 WAC, Safety standards for construction work; chapter 296-800 WAC, Safety and health core rules; and, insofar as applicable to employee safety and health, chapter 19.29 RCW. Additionally, operations, conditions, work methods and other work related situations or activities may be subject to additional rules and regulations depending upon the nature of the work being performed.

(5) These rules shall not apply to the use of existing electrical installations during their lifetime, provided they are maintained in good condition and in accordance with the applicable safety factor requirements and the rules in effect at the time they were installed, and provided that reconstruction shall conform to the rules as herein provided.

(6) Any rule, regulation or standard contained within this chapter, if subject to interpretation, shall be interpreted so as to achieve employee safety, which is the ultimate purpose of this chapter.

(7) Should a rule or standard contained within this chapter conflict, in any manner, with a standard or rule contained within any other chapter of Title 296 WAC the standard or rule contained herein shall apply so long as the work being done is power generation, transmission, and distribution installations, including related equipment for the purpose of communication or metering, which are accessible only to qualified employees. If there are rules within this chapter that conflict, the rule that provides the greatest employee safety will apply.

(8) Neither the promulgation of these rules, nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between employers and their employees and/or the employees of others and/or the public generally; nor shall the use herein of the words "duty" and "responsibility" or either, import or imply liability other than provided for in the industrial insurance and safety laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform or discharge

any such "duty" or "responsibility," but failure on the part of the employees, leadworker, or employer to comply with any compulsory rule may be cause for the department of labor and industries to take action in accordance with the industrial insurance and safety laws.

(9) "Shall" and "must" as used in this chapter make the provisions mandatory. "Should," "may," or "it is recommended" are used to indicate the provisions are not mandatory but are recommended.

(10) If any section, subsection, phrase, or provisions of this chapter or part thereof should be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter, unless such decision renders the remainder of the provision unintelligible, or changes the meaning of such other provision or provisions.

(11) When the language used in this chapter indicates that it is the responsibility, duty, or obligation of the leadworker or other employee, it shall also be the employer's responsibility, obligation, and duty.

Whenever this chapter refers to the provisions of another safety and health standard or statute affecting safety and health, such reference refers to the statute or code in effect at the time the work is being performed.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-035 Definitions. These definitions apply to chapter 296-45 WAC.

"Aerial manlift equipment" - Equipment such as extended towers, boom-mounted cages or baskets, and truck-mounted ladders, that is primarily designed to place personnel and equipment aloft to work on elevated structures and equipment.

"Affected employee" - An employee whose job requires him or her to operate or use a machine or equipment on which servicing or maintenance is being performed under lockout or tagout, or whose job requires him or her to work in an area in which such servicing or maintenance is being performed.

"Apprentice" - An employee who is being trained to be journey level.

"Approved" - Meets or exceeds the recognized standards of safety within the industry.

"Approved protectors" - Gloves worn over rubber insulating gloves which are of such material or substance and so constructed as to protect the rubber gloves from abrasions, lacerations, or other physical damage which might otherwise occur to rubber gloves. Approved protectors must conform to the standards which are recognized by the industry.

"Attendant" - An employee assigned to remain immediately outside the entrance to an enclosed or other space to render assistance as needed to employees inside the space.

"Authorized employee" - An employee who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when

that employee's duties include performing servicing or maintenance covered under this section.

"Automatic circuit recloser" - A self-controlled device for interrupting and reclosing an alternating current circuit with a predetermined sequence of opening and reclosing followed by resetting, hold-closed, or lockout operation.

"Barricade" - A physical obstruction such as tapes, cones, or A-frame type wood or metal structures intended to provide a warning about and to limit access to a hazardous area.

"Barrier" - A physical obstruction which is intended to prevent contact with energized lines or equipment or to prevent unauthorized access to a work area.

"Bond" - The electrical interconnection of conductive parts designed to maintain a common electrical potential.

"Bus" - A conductor or a group of conductors that serve as a common connection for two or more circuits.

"Bushing" - An insulating structure, including a through conductor or providing a passageway for such a conductor, with provision for mounting on a barrier, conducting or otherwise, for the purposes of insulating the conductor from the barrier and conducting current from one side of the barrier to the other.

"Cable" - A conductor with insulation, or a stranded conductor with or without insulation and other coverings (single-conductor cable), or a combination of conductors insulated from one another (multiple-conductor cable).

"Cable sheath" - A conductive protective covering applied to cables.

Note: A cable sheath may consist of multiple layers of which one or more is conductive.

"Circuit" - A conductor or system of conductors through which an electric current is intended to flow.

"Clearance" (between objects) - The clear distance between two objects measured surface to surface.

"Clearance" (for work) - Authorization to perform specified work or permission to enter a restricted area.

"Communication lines." (See "Lines, communication.")

"Conductor" - A material, usually in the form of a wire, cable, or bus bar, used for carrying an electric current.

"Covered conductor" - A conductor covered with a dielectric having no rated insulating strength or having a rated insulating strength less than the voltage of the circuit in which the conductor is used.

"Current-carrying part" - A conducting part intended to be connected in an electric circuit to a source of voltage. Noncurrent-carrying parts are those not intended to be so connected.

"De-energized" - Free from any electrical connection to a source of potential difference and from electric charge; not having a potential difference from that of the earth.

Note: The term is used only with reference to current-carrying parts, which are sometimes energized (alive).

"Designated employee/person" - An employee/person who is designated by the employer to perform specific duties

under the terms of this section and who is knowledgeable in the construction and operation of the equipment and the hazards involved.

"Electric line truck" - Any vehicle used to transport employees, tools, and material, which serves as a traveling workshop for electric power line construction and maintenance work. It may be equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material and/or workers.

"Electric supply equipment" - Equipment that produces, modifies, regulates, controls, or safeguards a supply of electric energy.

"Electric supply lines." (See "Lines, electric supply.")

"Electric utility" - An organization responsible for the installation, operation, or maintenance of an electric supply system.

"Emergency" - An unforeseen occurrence endangering life, limb, or property.

"Enclosed" - Surrounded by a case, cage, fence or otherwise which will protect the contained equipment and prevent accidental contact of a person with live parts.

"Enclosed space" - A working space, such as a man-hole, vault, tunnel, or shaft, that has a limited means of egress or entry, that is designed for periodic employee entry under normal operating conditions, and that under normal conditions does not contain a hazardous atmosphere, but that may contain a hazardous atmosphere under abnormal conditions.

Note: Spaces that are enclosed but not designed for employee entry under normal operating conditions are not considered to be enclosed spaces for the purposes of this section. Similarly, spaces that are enclosed and that are expected to contain a hazardous atmosphere are not considered to be enclosed spaces for the purposes of this section. Such spaces meet the definition of permit spaces in WAC 296-62-145, and entry into them must be performed in accordance with that standard.

"Energized" (alive, live) - Electrically connected to a source of potential difference, or electrically charged so as to have a potential significantly different from that of earth in the vicinity.

"Energy isolating device" - A physical device that prevents the transmission or release of energy, including, but not limited to, the following: A manually operated electric circuit breaker, a disconnect switch, a manually operated switch, a slide gate, a slip blind, a line valve, blocks, and any similar device with a visible indication of the position of the device. (Push buttons, selector switches, and other control-circuit-type devices are not energy isolating devices.)

"Energy source" - Any electrical, mechanical, hydraulic, pneumatic, chemical, nuclear, thermal, or other energy source that could cause injury to personnel.

"Equipment" (electric) - A general term including material, fittings, devices, appliances, fixtures, apparatus, and the like used as part of or in connection with an electrical installation.

"Exposed" - Not isolated or guarded.

"Fault current" - The current that flows in an electrical system because of a defect in the circuit induced accidentally or otherwise.

"Fixed ladder" - A ladder that is permanently secured to a structure.

"Ground" - A conducting connection, whether intentional or accidental, between an electric circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

"Grounded" - Connected to earth or to some conducting body that serves in place of the earth.

"Grounded system" - A system of conductors in which at least one conductor or point (usually the middle wire, or neutral point of transformer or generator windings) is intentionally grounded either solidly or through a current-limiting device (not a current-interrupting device).

"Groundperson" - A member of crew working on ground under direction of a leadworker.

"Guarded" - Covered, fenced, enclosed, or otherwise protected, by means of suitable covers or casings, barrier rails or screens, mats, or platforms, designed to prevent the possibility, under normal conditions, of dangerous approach or accidental contact by persons or objects.

Note: Wires which are insulated, but not otherwise protected, are not considered as guarded.

"Hazardous atmosphere" - An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from an enclosed space), injury, or acute illness from one or more of the following causes:

- Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL);
- Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of 5 feet (1.52 m) or less;

- Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

- Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, Part L, or in chapter 296-62 WAC, toxic and hazardous substances, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

- Any other atmospheric condition that is "immediately dangerous to life or health" (IDLH).

"IDLH" - Any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a permit space.

Note: Some materials (hydrogen fluoride gas and cadmium vapor, for example) may produce immediate transient effects that, even if severe, may pass without medical attention, but are followed by sudden, possibly fatal collapse 12-72 hours after exposure. The victim "feels normal" from recovery from transient effects until collapse. Such materials in hazardous quantities are considered to be "immediately" dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as Material Safety Data Sheets that comply with the Chemical Hazard Communication (~~Standard, chapter 296-62 WAC, Part C~~) Program, WAC 296-800-170, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"High-power tests" - Tests in which fault currents, load currents, magnetizing currents, and line-dropping currents are used to test equipment, either at the equipment's rated voltage or at lower voltages.

"High-voltage tests" - Tests in which voltages of approximately 1000 volts are used as a practical minimum and in which the voltage source has sufficient energy to cause injury.

"High wind" - A wind of such velocity that the following hazards would be present:

- An employee would be exposed to being blown from elevated locations; or
- An employee or material handling equipment could lose control of material being handled; or
- An employee would be exposed to other hazards not controlled by the standard involved.

Note: Winds exceeding 40 miles per hour (64.4 kilometers per hour), or 30 miles per hour (48.3 kilometers per hour) if material handling is involved, are normally considered as meeting this criteria unless precautions are taken to protect employees from the hazardous effects of the wind.

"Insulated" - Separated from other conducting surfaces by a dielectric (including air space) offering a high resistance to the passage of current.

Note: When any object is said to be insulated, it is understood to be insulated for the conditions to which it is normally subjected. Otherwise, it is, within the purpose of this section, uninsulated.

"Insulation" (cable) - That which is relied upon to insulate the conductor from other conductors or conducting parts or from ground.

"Insulation shielding" - An envelope which encloses the insulation of a cable and provides an equipotential surface in contact with cable insulation.

"Isolated" - An object that is not readily accessible to persons unless special means of access are used.

"Leadworker" - The person directly in charge of workers doing the work, regardless of title.

"Line-clearance tree trimmer" - An employee who, through related training or on-the-job experience or both, is familiar with the special techniques and hazards involved in line-clearance tree trimming.

Note 1: An employee who is regularly assigned to a line-clearance tree-trimming crew and who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a line-clearance tree trimmer is considered to be a line-clearance tree trimmer.

Note 2: A line-clearance tree trimmer is not considered to be a "qualified employee" under this section unless he or she has the training required for a qualified employee under WAC 296-45-065. However, under the electrical safety-related work practices standard, a line-clearance tree trimmer is considered to be a "qualified employee." Tree trimming performed by

such "qualified employees" is not subject to the electrical safety-related work practice requirements contained in WAC 296-24-970. (See also the note following WAC 296-24-970 for information regarding the training an employee must have to be considered a qualified employee.)

"Line-clearance tree trimming" - The pruning, trimming, repairing, maintaining, removing, or clearing of trees or the cutting of brush that is within 10 feet (305 cm) of electric supply lines and equipment.

"Lines" -

• **"Communication lines"** - The conductors and their supporting or containing structures which are used for public or private signal or communication service, and which operate at potentials not exceeding 400 volts to ground or 750 volts between any two points of the circuit, and the transmitted power of which does not exceed 150 watts. If the lines are operating at less than 150 volts, no limit is placed on the transmitted power of the system. Under certain conditions, communication cables may include communication circuits exceeding these limitations where such circuits are also used to supply power solely to communication equipment.

Note: Telephone, telegraph, railroad signal, data, clock, fire, police alarm, cable television, and other systems conforming with this definition are included. Lines used for signaling purposes, but not included under this definition, are considered as electric supply lines of the same voltage.

• **"Electric supply lines"** - Conductors used to transmit electric energy and their necessary supporting or containing structures. Signal lines of more than 400 volts are always supply lines within this section, and those of less than 400 volts are considered as supply lines, if so run and operated throughout.

"Live-line tools and ropes" - Tools and ropes specifically designed for work on energized high voltage lines and equipment.

"Load-break elbow" - A connector designed to close and interrupt current on energized circuits within the design current and voltage rating.

"Manhole" - A subsurface enclosure which personnel may enter and which is used for the purpose of installing, operating, and maintaining submersible equipment or cable.

"Manhole steps" - A series of steps individually attached to or set into the walls of a manhole structure.

"Minimum approach distance" - The closest distance an employee is permitted to approach an energized or a grounded object.

"Neutral" - A system in which one conductor is used as the neutral for one or more circuits; one conductor may be used as the neutral for both primary and secondary circuits of a distribution system.

"Pole" - Any device used to support a power distribution or transmission line. The pole may be made of any substance including wood, concrete, metal, is usually cylindrical in shape and comparatively slender. It is the upright standard to which is affixed part of the power distribution and transmission line system as defined in this chapter.

"Power dispatcher" (load dispatcher or system operator) - A person who has been designated by the employer as

having authority over switching and clearances of high voltage lines and station equipment.

"Protective devices" - Devices such as rubber gloves, rubber blankets, line hose, rubber boots, or other insulating devices, which are specifically designed for the protection of employees.

"Public highway" - Every way, land, road, street, boulevard, and every other way or place in the state open as a matter of right to public vehicular travel, both inside and outside the limits of cities and towns, regardless of ownership.

"Qualified person or qualified employee" - A person who is familiar with the construction of, or operation of such lines and/or equipment that concerns his/her position and who is fully aware of the hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected.

Note 1: An employee must have the training required by WAC 296-45-065(1) in order to be considered a qualified employee.

Note 2: (Apprentice) Except under WAC 296-45-25510(12), an employee who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered to be a qualified person for the performance of those duties.

"Rubber" - Any goods, equipment, or tool made out of either natural or synthetic rubber.

"Secured ladder" - A ladder which is not capable of being dislodged from the top by lateral, or jerking motion(s).

"Sheath" - As applied to tools carried in a lineman's tool belt, a sheath that effectively covers the tool and prevents such tool from falling from the belt.

"Step bolt" - A bolt or rung attached at intervals along a structural member and used for foot placement during climbing or standing.

"Supporting structure" - The main supporting unit (usually a pole or tower).

"Switch" - A device for opening and closing or for changing the connection of a circuit. In these rules, a switch is understood to be manually operable, unless otherwise stated.

"System operator or power dispatcher" - A qualified person who has been designated by the employer and having authority over switching, clearances, and operation of the system and its parts.

"Tag" - A system or method of identifying circuits, systems, or equipment for the purpose of alerting employees and others that the circuit, system, or equipment is being worked on.

"Underground network" - An underground electrical installation fed from multiple primary sources directly associated with area-wide secondary network connected into a common grid.

"Underground residential distribution system" (URD) - An electrical installation normally fed from a single primary source which may feed one or more transformers with secondaries not connected to a common grid.

"Utility" - An organization responsible for the installation, operation, or maintenance of electric supply or communications systems.

"Vault" - An enclosure, above or below ground, which personnel may enter and which is used for the purpose of installing, operating, or maintaining equipment or cable.

"Vented vault" - A vault that has provision for air changes using exhaust flue stacks and low level air intakes operating on differentials of pressure and temperature providing for airflow which precludes a hazardous atmosphere from developing.

"Voltage" - The effective (rms) potential difference between any two conductors or between a conductor and ground. Voltages are expressed in nominal values unless otherwise indicated. The nominal voltage of a system or circuit is the value assigned to a system or circuit of a given voltage class for the purpose of convenient designation. The operating voltage of the system may vary above or below this value.

Note: Low voltage includes voltages from 50 to 600 volts. High voltage shall mean those voltages of 601 volts to 230,000. Extra high voltage means any voltage over 230,000 volts. Where the words "high voltage" are used in this chapter it shall include extra high voltage, unless otherwise specified.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-055 Employer's responsibility. (1) The employer shall provide and maintain the necessary protective devices specified in these rules and require the employees to use them properly.

(2) The employer shall develop and maintain a chemical hazard communication program as required by (~~Part C, chapter 296-62~~) WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) There shall be installed and maintained in every fixed establishment employing eight or more persons a safety bulletin board of a size to display and post safety bulletins, newsletters, posters, accident statistics and other safety educational material. It is recommended that safety bulletin boards be painted green and white.

(4) The employer shall require the leadworker to observe and enforce all safety rules and shall furnish a copy of the electrical workers' safety rules to each employee who is covered by these rules.

(5) The employer shall appoint only competent workers to supervise other employees and those appointed shall be responsible for the safety of the employees under their supervision.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-125 Medical services and first aid. The employer shall provide medical services and first aid as required in (~~chapter 296-24~~) WAC 296-800-160. In addition to the requirements of (~~chapter 296-24~~) WAC 296-800-160, the following requirements also apply:

(1) Cardiopulmonary resuscitation and first-aid training. When employees are performing work on or associated with exposed lines or equipment energized at 50 volts or more, persons trained in first aid including cardiopulmonary resuscitation (CPR) shall be available as follows:

(a) For field work involving two or more employees at a work location, at least two trained persons shall be available. However, only one trained person need be available if all new employees are trained in first aid, including CPR, within 3 months of their hiring dates.

(b) For fixed work locations such as generating stations, the number of trained persons available shall be sufficient to ensure that each employee exposed to electric shock can be reached within 4 minutes by a trained person. However, where the existing number of employees is insufficient to meet this requirement (at a remote substation, for example), all employees at the work location shall be trained.

(2) First-aid supplies. First-aid supplies required by (~~chapter 296-24~~) WAC 296-800-160 shall be placed in weatherproof containers if the supplies could be exposed to the weather.

(3) First-aid kits. Each first-aid kit shall be maintained, shall be readily available for use, and shall be inspected frequently enough to ensure that expended items are replaced but at least once per year.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-25505 Personal protective equipment.

(1) General. Personal protective equipment shall meet the requirements of chapter 296-24 WAC, Part ((A-2)) L and WAC 296-800-150.

(2) All protective hats shall be in accordance with the specifications of ANSI Z89.2-1971 Edition Industrial Protective Helmets for Electrical Workers, Class B, and shall be worn at the jobsite by employees who are exposed to overhead or electrical hazards.

(3) Wearing apparel. Goggles, hearing protection, respirators, rubber gloves, and other such personal protective devices shall not be interchanged among employees unless they have been sanitized.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-275 Ladders, platforms, and manhole steps. (1) General. Requirements for ladders contained in chapter 296-24 WAC, Part J-1, and WAC 296-800-290 apply, except as specifically noted in subsection (2) of this section.

(2) Special ladders and platforms. Portable ladders and platforms used on structures or conductors in conjunction with overhead line work need not meet chapter 296-24 WAC, Part J-1 ((ø)), chapter 296-155 WAC, Part J or WAC 296-800-290. However, these ladders and platforms shall meet the following requirements:

(a) Ladders and platforms shall be secured to prevent their becoming accidentally dislodged.

(b) Ladders and platforms may not be loaded in excess of the working loads for which they are designed.

(c) Ladders and platforms may be used only in applications for which they were designed.

(d) In the configurations in which they are used, ladders and platforms shall be capable of supporting without failure at least 2.5 times the maximum intended load.

(e) All ladders shall be handled and stored in such a manner as to prevent damage to the ladder.

(f) When ascending or descending a ladder, the employee shall face the ladder and have free use of both hands.

(g) All defective ladders shall be taken out of service and labeled as defective.

(h) When a ladder is being used which is not fixed or otherwise secured, there shall be an attendant to hold the ladder and watch traffic when the work is being done on streets, alleys, sidewalks, or in industrial plants or other places where there exists the possibility of accidental contact with the ladder by third persons or vehicles.

(i) When working on the ladder, employees shall, where possible, tie the top of the ladder to a substantial object to prevent falling unless the ladder is equipped with approved hooks which may be used for the same purpose.

(j) Portable ladders shall not be moved with employees on the ladder.

(k) No employee shall ascend or descend a rolling ladder while it is moving.

(l) No employee shall stand on the top two steps of a step ladder.

(m) No employee shall use a step ladder as a straight ladder.

(n) Ladders shall always be placed on a secure footing with both legs resting firmly on the lower surface.

(o) Ladders made by fastening cleats or similar devices across a single rail shall not be used.

(3) Conductive ladders. Portable metal ladders and other portable conductive ladders may not be used near exposed energized lines or equipment. However, in specialized high-voltage work, conductive ladders shall be used where the employer can demonstrate that nonconductive ladders would present a greater hazard than conductive ladders.

Note: A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.

(4) All conductive or metal ladders shall be prominently marked and identified as being conductive and shall be grounded when used near energized lines or equipment.

Note: See chapter 296-24 WAC for additional ladder requirements.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-285 Hand, and portable powered tools.

(1) General requirements.

(a) The employer shall assure that each hand and portable powered tool, including any tool provided by an employee, is maintained in serviceable condition.

(b) The employer shall assure that each tool, including any tool provided by an employee, is inspected before initial use during each workshift. At a minimum, the inspection shall include the following:

(i) Handles and guards, to assure that they are sound, tight-fitting, properly shaped, free of splinters and sharp edges, and in place;

(ii) Controls, to assure proper function;

(iii) Heads of shock, impact-driven and driving tools, to assure that there is no mushrooming;

(iv) Cutting edges, to assure that they are sharp and properly shaped; and

(v) All other safety devices, to assure that they are in place and function properly.

(c) The employer shall assure that each tool is used only for purposes for which it has been designed.

(d) When the head of any shock, impact-driven or driving tool begins to chip, it shall be repaired or removed from service.

(e) The cutting edge of each tool shall be sharpened in accordance with manufacturer's specifications whenever it becomes dull during the workshift.

(f) Each tool shall be stored in the provided location when not being used at a work site.

(g) Racks, boxes, holsters or other means shall be provided, arranged and used for the transportation of tools so that a hazard is not created for any vehicle operator or passenger.

(2) Electric equipment connected by cord and plug must meet the following requirements:

(a) Cord- and plug-connected equipment supplied by premises wiring is covered by chapter 296-24 WAC, Part L and WAC 296-800-280.

(b) Any cord- and plug-connected equipment supplied by other than premises wiring shall comply with one of the following instead of chapter 296-24 WAC, Part L and WAC 296-800-280:

(i) It shall be equipped with a cord containing an equipment grounding conductor connected to the tool frame and to a means for grounding the other end (however, this option may not be used where the introduction of the ground into the work environment increases the hazard to an employee); or

(ii) It shall be of the double-insulated type conforming to 296-24 WAC, Part L and WAC 296-800-280; or

(iii) It shall be connected to the power supply through an isolating transformer with an ungrounded secondary.

(3) Portable and vehicle-mounted generators. Portable and vehicle-mounted generators used to supply cord- and plug-connected equipment shall meet the following requirements:

(a) The generator may only supply equipment located on the generator or the vehicle and cord- and plug-connected equipment through receptacles mounted on the generator or the vehicle.

(b) The non-current-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles shall be bonded to the generator frame.

(c) In the case of vehicle-mounted generators, the frame of the generator shall be bonded to the vehicle frame.

(d) Any neutral conductor shall be bonded to the generator frame.

(4) Hydraulic and pneumatic tools must meet the following requirements:

(a) Safe operating pressures for hydraulic and pneumatic tools, hoses, valves, pipes, filters, and fittings may not be exceeded.

Note: If any hazardous defects are present, no operating pressure would be safe, and the hydraulic or pneumatic equipment involved may not be used. In the absence of defects, the maximum rated operating pressure is the maximum safe pressure.

(b) A hydraulic or pneumatic tool used where it may contact exposed live parts shall (use nonconductive hoses and) be designed and maintained for such use.

(c) The hydraulic system supplying a hydraulic tool used where it may contact exposed live parts shall provide protection against loss of insulating value for the voltage involved due to the formation of a partial vacuum in the hydraulic line.

Note: Hydraulic lines without check valves having a separation of more than 35 feet (10.7 m) between the oil reservoir and the upper end of the hydraulic system promote the formation of a partial vacuum.

(d) A pneumatic tool used on energized electric lines or equipment or used where it may contact exposed live parts shall provide protection against the accumulation of moisture in the air supply.

(e) Pressure shall be released before connections are broken, unless quick acting, self-closing connectors are used. Hoses may not be kinked.

(f) Employees may not use any part of their bodies to locate or attempt to stop a hydraulic leak.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-45510 Sprayers and related equipment. (1) Walking and working surfaces of sprayers and related equipment shall be covered with slip-resistant material. If slipping hazards cannot be eliminated, slip-resistant footwear or handrails and stair rails meeting the requirements of chapter 296-24 WAC, Part J-1, and WAC 296-800-260 may be used instead of slip-resistant material.

(2) Equipment on which employees stand to spray while the vehicle is in motion shall be equipped with guardrails around the working area. The guardrail shall be constructed in accordance with chapter 296-24 WAC, Part J-1 and WAC 296-800-260.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(1) Areas where chemical cleaning is in progress shall be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be

used or might be produced during the cleaning process, the following requirements also apply:

(a) The area shall be posted with signs restricting entry and warning of the hazards of fire and explosion; and

(b) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(2) The number of personnel in the restricted area shall be limited to those necessary to accomplish the task safely.

(3) There shall be ready access to water or showers for emergency use.

Note: See chapter 296-24 WAC, Part B and WAC 296-800-230 for requirements that apply to the water supply and to washing facilities.

(4) Employees in restricted areas shall wear protective equipment meeting the requirements of this chapter and including, but not limited to, protective clothing, boots, goggles, and gloves.

AMENDATORY SECTION (Amending WSR 98-07-009, filed 3/6/98, effective 5/6/98)

WAC 296-45-075 Employer's safety program. (1)

The employer shall hold safety meetings at least once a month, which meetings shall be held at a reasonable time and place as selected by the employer. The employer shall require all employees subject to provisions of this chapter to attend said meetings: Provided, That employees whose presence is otherwise required by reason of an emergency or whose function is such that they cannot leave their station or cease their work without serious detriment to the service provided, such as dispatcher, may be excused from such meeting under those circumstances. Minutes shall be kept of each safety meeting and retained for a period of one year.

(2) The employer or a representative(s) designated shall investigate all accidents or injuries of a serious nature and, where possible, take the proper remedial steps to prevent the occurrence of similar accidents.

(3) The employer shall furnish instructions stating the proper procedure in event of an emergency, which shall include the names of those individuals to be notified and methods of contacting them.

(4) The employer shall provide and make available to all employees accident report and safety suggestion forms or other approved methods. Safety suggestion forms should, where possible, be used for suggesting the elimination of hazardous conditions and such reported suggestions shall be retained (for one year) by the employer or an authorized representative.

(5) The employer must notify the department of employee fatalities or catastrophes according to the requirements of WAC ((296-24-020)) 296-800-320.

(6) Nothing contained within this chapter shall prohibit an employer or an authorized representative from disciplining employees for failure to comply with the provisions of this or any other safety code.

(7) Existing conditions related to the safety of the work to be performed shall be determined before work on or near electric lines or equipment is started. Such conditions include, but are not limited to, the nominal voltages of lines

and equipment, the maximum switching transient voltages, the presence of hazardous induced voltages, the presence and condition of protective grounds and equipment grounding conductors, the condition of poles, environmental conditions relative to safety, and the locations of circuits and equipment, including power and communication lines and fire protective signaling circuits.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-465 Storage of ammonium nitrate. (1) Scope and definitions.

(a) Except as provided in (d) of this subsection applies to the storage of ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing 60 percent or more ammonium nitrate by weight but does not apply to blasting agents.

(b) This section does not apply to the transportation of ammonium nitrate while such transportation is being conducted under U.S. DOT jurisdiction and in compliance with DOT regulations (see 49 CFR Part 173).

(c) This section does not apply to storage under the jurisdiction of and in compliance with the regulations of the United States Coast Guard (see 46 CFR Parts 146-149).

(d) This section shall not apply to storage of ammonium nitrate and ammonium nitrate mixtures which are more sensitive than allowed by the "Definition and Test Procedures for Ammonium Nitrate Fertilizers" from the FERTILIZER INSTITUTE. Storage of ammonium nitrate which is above the sensitivity criteria shall comply with WAC 296-52-469, Storage of Blasting Agents and Supplies.

(e) Nothing in this section shall apply to the production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no distinct undue hazard to employees or the public is created.

(f) The definition and test procedures for ammonium nitrate fertilizer are those found in the bulletin, "Definition and test procedures for ammonium nitrate fertilizer," available from the Fertilizer Institute, 501 2nd St. N.E., Washington, D.C. 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.

(g) The standards for ammonium nitrate (nitrous oxide grade) are those found in the "specifications, properties, and recommendations for packaging, transportation, storage, and use of ammonium nitrate," available from the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-4100.

(2) General provisions.

(a) This subsection applies to all persons storing, having, or keeping ammonium nitrate, and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of 1,000 pounds (454 kg) or more.

(b) Approval of large quantity storage shall be subject to due consideration of the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings shall not have basements unless the basements are open on at least one side. Storage buildings shall not be over one story in height.

(d) Storage buildings shall have adequate ventilation or be of a construction that will be self-ventilating in the event of fire.

(e) The wall on the exposed side of a storage building within 50 feet (15.2 m) of a combustible building, forest, piles of combustible materials and similar exposure hazards shall be of fire-resistive construction. (See NFPA Std. 220, Type 1 Construction.) In lieu of the fire-resistive wall, other suitable means of exposure protection such as a free standing wall may be used. The roof coverings shall be Class C or better, as defined in Roof Coverings, NFPA 203M-1970.

(f) All flooring in storage and handling areas, shall be of noncombustible material or protected against impregnation by ammonium nitrate and shall be without open drains, traps, tunnels, pits, or pockets into which any molten ammonium nitrate could flow and be confined in the event of fire.

(g) The continued use of an existing storage building or structure not in strict conformity with this section may be approved in cases where such continued use will not constitute a hazard to life or adjoining property.

(h) Buildings and structures shall be dry and free from water seepage through the roof, walls, and floors.

(3) Storage of ammonium nitrate in bags, drums, or other containers.

(a) Bags and containers used for ammonium nitrate must comply with specifications and standards required for use in interstate commerce (see 49 CFR Chapter I).

(b) Containers used on the premises in the actual manufacturing or processing need not comply with provisions of (a) of this subsection.

(c) Containers of ammonium nitrate shall not be accepted for storage when the temperature of the ammonium nitrate exceeds 130°F (54.4°C).

(d) Bags of ammonium nitrate shall not be stored within 30 inches (76 cm) of the storage building walls and partitions.

(e) The height of piles shall not exceed 20 feet (6.1 m). The width of piles shall not exceed 20 feet (6.1 m) and the length 50 feet (15.2 m) except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than 36 inches (0.9 m) below the roof or supporting and spreader beams overhead.

(f) Aisles shall be provided to separate piles by a clear space of not less than 3 feet (0.9 m) in width. At least one service or main aisle in the storage area shall be not less than 4 feet (1.2 m) in width.

(4) Storage of bulk ammonium nitrate.

(a) Warehouses shall have adequate ventilation or be capable of adequate ventilation in case of fire.

(b) Unless constructed of noncombustible material or unless adequate facilities for fighting a roof fire are available, bulk storage structures shall not exceed a height of 40 feet (12.2 m).

(c) Bins shall be clean and free of materials which may contaminate ammonium nitrate.

(d) Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead, and zinc shall not be used in a bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible. The partitions dividing the ammonium nitrate storage from other products which would contaminate the ammonium nitrate shall be of tight construction.

(e) The ammonium nitrate storage bins or piles shall be clearly identified by signs reading "ammonium nitrate" with letters at least 2 inches (5 cm) high.

(f) Piles or bins shall be so sized and arranged that all material in the pile is moved out periodically in order to minimize possible caking of the stored ammonium nitrate.

(g) Height or depth of piles shall be limited by the pressure-setting tendency of the product. However, in no case shall the ammonium nitrate be piled higher at any point than 36 inches (0.9 m) below the roof or supporting and spreader beams overhead.

(h) Ammonium nitrate shall not be accepted for storage when the temperature of the product exceeds 130°F (54.4°C).

(i) Dynamite, other explosives, and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

(5) Contaminants.

(a) Ammonium nitrate shall be in a separate building or shall be separated by approved type firewalls of not less than 1 hour fire-resistance rating from storage or organic chemicals, acids, or other corrosive materials, materials that may require blasting during processing or handling, compressed flammable gases, flammable and combustible materials or other contaminating substances, including but not limited to animal fats, baled cotton, baled rags, baled scrap paper, bleaching powder, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linseed oil, or other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils. Walls referred to in this subsection need extend only to the underside of the roof.

(b) In lieu of separation walls, ammonium nitrate may be separated from the materials referred to in (a) of this subsection by a space of at least 30 feet (9.1 m).

(c) Flammable liquids such as gasoline, kerosene, solvents, and light fuel oils shall not be stored on the premises except when such storage conforms to WAC 296-24-330, and when walls and sills or curbs are provided in accordance with (a) or (b) of this subsection.

(d) LP-Gas shall not be stored on the premises except when such storage conforms to WAC 296-24-475.

(e) Sulfur and finely divided metals shall not be stored in the same building with ammonium nitrate except when such storage conforms to chapter 296-52 WAC and NFPA Std. 495, Explosive Materials Code.

(f) Explosives and blasting agents shall not be stored in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents.

(g) Where explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distrib-

utors, and user-compounders of explosives or blasting agents, they shall be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 of WAC 296-52-481, but by not less than 50 feet (15.2 m).

(h) Storage and/or operations on the premises of makers, distributors, and user-compounders of explosives or blasting agents shall be in conformity with chapter 296-52 WAC.

(6) General precautions.

(a) Electrical installations shall conform to the requirements of chapter 296-24 WAC, Part L, and WAC 296-800-280, for ordinary locations. They shall be designed to minimize damage from corrosion.

(b) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection Code, NFPA 78-1992.)

(c) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(7) Fire protection.

(a) Not more than 2,500 (2270 metric) tons of bagged ammonium nitrate shall be stored in a building or structure not equipped with an automatic sprinkler system. Sprinkler systems shall be of the approved type and installed in accordance with WAC 296-24-607.

(b) Suitable fire control devices such as small hose or portable fire extinguishers shall be provided throughout the warehouse and in the loading and unloading areas. Suitable fire control devices shall comply with the requirements of WAC 296-24-592 and 296-24-602.

(c) Water supplies and fire hydrants shall be available in accordance with recognized good practices.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-52-489 Transportation. (1) Regulations governing the transportation of explosives on public highways are adopted by the United States Department of Transportation (see 49 CFR Parts 100 through 199) and the Washington utilities and transportation commission and administered by the Washington state patrol.

(2) The regulations of this section shall be applicable in-and-on job sites and off-highway roads. The department of labor and industries shall administer these regulations in locations such as but not limited to: Construction or mining access roads and blast sites; off-highway forest roads including both publicly and privately owned logging roads, haul roads or general access roads.

Note: Examples of publicly owned off-highway roads where these regulations are applicable shall include, but are not limited to: U.S. Forest Service roads, Bureau of Land Management roads, state department of natural resources roads, but specifically not including the state or interstate highway system.

(a) No person shall be allowed to smoke, carry matches or any other flame-producing device, except guards or commissioned law enforcement officers, to carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two persons.

(c) Explosives shall be transferred from a disabled vehicle to another, only when proper and qualified supervision is provided. Local fire and police departments shall be promptly notified in congested areas. In remote areas they shall be notified if appropriate.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonating cord or detonators, except carrying safety fuse, and properly secured, nonsparking equipment used expressly in the handling of such explosives will be permissible.

(3) Transportation vehicles.

(a) All vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. The cargo compartment(s) shall have a tight floor and must not have any exposed spark producing metal on the inside which could come into contact with explosives cargo.

(b) Explosives vehicles used on any roadway which is open to public travel shall comply with WAC 296-52-550, Appendix II.

(c) Open top explosives transportation vehicles may only be used on the jobsite or on roads which are not open to public travel (while laden with explosives). In open top vehicles or trailers, explosives may only be transported in the original DOT approved shipping container(s)/box(es) or a daybox or portable magazine which complies with the requirements of this chapter. In all instances the explosive container(s), box(es), daybox or portable magazine shall be secured to the bed of the vehicle or trailer.

(i) If an explosives transportation vehicle or trailer does not have a fully enclosed cargo area with nonsparking interior, the cargo bed and all explosive cargo shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. Whenever tarpaulins are used for covering explosives, both the tarpaulin and the explosives container shall be secured to the body of the truck bed by means of rope, wire, or other equally efficient tie downs.

(ii) Packages of explosives shall not be loaded above the sides on open-sided vehicles.

(4) Vehicles shall be placarded and displayed as specified by the United States Department of Transportation, CFR 49-1981, Parts 100 through 199. Placards shall remain on the vehicle until all explosives have been removed from the vehicle.

(5)(a) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 2A 10BC. The driver shall be trained in the use of the extinguishers on the vehicle.

(i) Only extinguishers listed or approved by a nationally recognized testing laboratory shall be deemed suitable for use on explosives-carrying vehicles. Refer to WAC 296-24-58501(19) and 296-800-300 for definition of listed, and federal regulation 29 CFR 1910.7 for nationally recognized testing laboratory.

(ii) Extinguishers shall be filled and ready for immediate use and readily available. Extinguishers shall be examined periodically by a competent person.

(b) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(c) Motor vehicles or conveyances carrying explosives, blasting agents, or blasting supplies, shall not be taken inside a garage or shop for repairs or servicing.

(6) Operation of transportation vehicles.

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a licensed driver who is not less than twenty-one years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be familiar with the traffic regulations, state laws, and the provisions of this section.

(i) Explosives may only be transported by a licensed manufacturer, blaster, purchaser or seller, or the designated agent or representative thereof, or a contract carrier for hire who complies with all requirements for transportation of hazardous materials.

(ii) The person in control of the explosive laden vehicle shall be made aware of the nature of the cargo and pertinent safety precautions relating to the particular explosive(s) being transported.

(b) Parking. A motor vehicle which contains Class A or Class B explosives must not be parked under any of the following circumstances:

(i) On or within 5 feet of the traveled portion of a public street or highway;

(ii) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(iii) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive

material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. The attendant shall have been made familiar with the vehicle to which assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within the driver or attendants field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert their attention from the vehicle.

(ii) An explosive laden vehicle may be left unattended for a period not to exceed 48 hours provided that:

(A) The vehicle is parked in a designated parking lot which complies with NFPA Std. 498 and with the appropriate clearance table of this chapter for the type and quantity of explosives carried;

(B) The designated parking lot is correctly bermed and walled or fenced and gated to prevent unauthorized entry;

(C) The designated lot is inspected and approved by the department of labor and industries and is provided with a full-time security patrol at all times when explosives are present;

(D) Trucks used for explosives delivery which contain only blasting agents (International Class 1.5 D) and no high explosives need not be attended provided the vehicle is locked to prevent movement of the vehicle, the cargo compartments are locked to prevent theft, the vehicle is parked according to all applicable storage distance requirements, and the vehicle is located in a secured area which restricts entry to the area by unauthorized personnel.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic.

(f) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or authorized temporary storage or handling area.

(7) Transporting blasting caps and explosives in the same vehicle.

(a) Fuse type blasting caps, blasting caps with safety fuse and/or blasting caps with metal clad mild detonating fuse shall not be transported over the highways on the same vehicle or trailer with other explosives, unless packaged, segregated, and transported in accordance with the department of transportation's hazardous materials regulations.

(b) Blasting caps rated by U.S. DOT as nonmass detonating may be transported in the same vehicle or trailer with other explosives when:

(i) The caps are carried in DOT approved shipping containers:

(ii) The truck or trailer complies with Appendix 1, WAC 296-52-550.

(8) When primers are made up at a central primer house for use in high speed tunneling, the following shall apply:

(a) Only enough primers shall be made up for each round of blasting.

(b) The primers shall be placed in separate containers or bins, categorized by degree of delay in such a manner so as to prevent them from physical impact.

(c) Explosives carried in the same magazine shall be separated by 1/4-inch steel, covered on each side by four inches of hardwood planking, or equivalent.

(d) Hoist operators shall be notified before explosives or blasting agents are transported in a shaft conveyance.

(e) Explosives and blasting agents shall be hoisted, lowered, or conveyed in a powder car. No other materials, supplies, or equipment shall be transported in the same conveyance at the same time.

(f) Only a state approved powder car or conveyance shall be used underground.

(g) All explosives or blasting agents in transit underground shall be taken to the place of use or storage without delay.

(h) The quantity of explosives or blasting agents taken to an underground loading area shall not exceed the amount estimated to be necessary for the blast.

(i) The number of primers for one round will be removed from the state approved car or vehicle at the face or heading after the drilling has been completed and the holes readied for loading. After loading the charge, the powder car or vehicle will be withdrawn from the tunnel.

(j) Wires on electric caps shall be kept shunted until wired to the bus wires.

(k) The powder car or conveyance shall be inspected daily for lights, brakes and external damage to electrical circuitry. The electrical system shall be checked weekly to detect any failures that may constitute an electrical hazard and a written certification record of such inspection shall be kept on file for the duration of the job. The certification record shall contain the date of inspection, the serial number or other positive identification of the unit being inspected and the signature of the person performing the inspection.

(l) The installation of auxiliary lights on truck beds, which are powered by the truck's electrical system, shall be prohibited.

(m) No one, except the operator, the helper, and/or the powderperson, shall be permitted to ride on a conveyance transporting explosives and blasting agents.

(n) No person shall ride in any shaft conveyance transporting explosives and blasting agents.

(o) No explosives or blasting agents shall be transported on a crew-haul trip.

(p) The car or conveyance containing explosives or blasting agents shall be pulled, not pushed, whenever possible.

(q) The powder car or conveyance especially built for the purpose of transporting explosives or blasting agents shall bear a reflectorized sign on each side with the word "explosives" in letters not less than 4 inches in height; upon a background of sharply contrasting color.

(r) Compartments for transporting detonators and explosives in the same car or conveyance shall be physically separated by a distance of 24 inches or by a solid partition at least 6 inches thick.

(s) Detonators and other explosives shall not be transported at the same time in any shaft conveyance.

(t) Explosives and/or blasting agents, not in original containers, shall be placed in a suitable container when transported manually.

(u) No explosives or blasting agents shall be transported on any locomotive. At least two car lengths shall separate the locomotive from the powder car.

(9) When explosives are carried to the blasting site from the main storage magazines by the blaster or helper:

(a) Special insulated containers or original DOT shipping containers shall be used for this purpose, either boxes or bags, one container for explosives and one for detonators.

(b) Detonators or explosives shall never be carried in pockets of clothing.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-497 Blasting agents. (1) General. Unless otherwise set forth in this section, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives. Water gels are covered in WAC 296-52-501.

(2) Fixed location mixing.

(a) Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-20. In determining the distance separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-20), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only fifty percent of its weight shall be used because of its reduced blast effects.

(b) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.

(i) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(iii) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(iv) The building shall be well ventilated.

(v) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be located outside the mixing building.

(vi) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a fire-wall. The exhaust systems on all such engines shall be

located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(c) Equipment used for mixing blasting agents shall conform to the requirements of this subsection.

(i) The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. All bearings and drive assemblies shall be mounted outside the mixer and protected against the accumulation of dust. All surfaces shall be accessible for cleaning.

(ii) Mixing and packaging equipment shall be constructed of materials compatible with the fuel-ammonium nitrate composition.

(iii) Suitable means shall be provided to prevent the flow of fuel oil to the mixer in case of fire. In gravity flow systems an automatic spring-loaded shutoff valve with fusible link shall be installed.

(d) The provisions of this subsection shall be considered when determining blasting agent compositions.

(i) The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation.

(ii) Oxidizers of small particle size, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and shall, therefore, be handled with greater care.

(iii) No hydrocarbon liquid fuel with flashpoint lower than that of No. 2 diesel fuel oil 125°F. minimum shall be used.

(iv) Crude oil and crankcase oil shall not be used.

(v) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(vi) Peroxides and chlorates shall not be used.

(e) All electrical switches, controls, motors, and lights located in the mixing room shall conform to the requirements in chapter 296-24 WAC, Part L, and WAC 296-800-280; otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(f) Safety precautions at mixing plants shall include the requirements of this subsection.

(i) Floors shall be constructed so as to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(ii) The floors and equipment of the mixing and packaging room shall be cleaned regularly and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(iii) The entire mixing and packaging plant shall be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(iv) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by law enforcement bomb squad members or qualified guards) shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(v) The land surrounding the mixing plant shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(vi) Empty ammonium nitrate bags shall be disposed of daily in a safe manner.

(vii) No welding shall be permitted or open flames used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(viii) Before welding or repairs to hollow shafts, all oxidizer material shall be removed from the outside and inside of the shaft and the shaft vented with a minimum one-half inch diameter opening.

(ix) Explosives shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(3) Bulk delivery and mixing vehicles.

(a) The provisions of this subsection shall apply to off-highway private operations as well as to all public highway movements.

(b) A bulk vehicle body for delivering and mixing blasting agents shall conform with the requirements of this subsection.

(i) The body shall be constructed of noncombustible materials.

(ii) Vehicles used to transport bulk premixed blasting agents on public highways shall have closed bodies.

(iii) All moving parts of the mixing system shall be designed as to prevent a heat buildup. Shafts or axles which contact the product shall have outboard bearings with 1-inch minimum clearance between the bearings and the outside of the product container. Particular attention shall be given to the clearances on all moving parts.

(iv) A bulk delivery vehicle shall be strong enough to carry the load without difficulty and be in good mechanical condition.

(c) Operation of bulk delivery vehicles shall conform to the requirements of WAC 296-52-489(2). These include the placarding requirements as specified by department of transportation.

(i) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The employer shall assure that the operator is familiar with the commodities being delivered and the general procedure for handling emergency situations.

(ii) The hauling of either blasting caps or other explosives but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers: See 49 CFR Chapter I.

(iii) No person shall smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing transfer or down-the-hole loading of blasting agents at or near the blasting site.

(iv) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle on to or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall assure that the driver, in mov-

ing the vehicle, has assistance of a second person to guide the driver's movements.

(v) No intransit mixing of materials shall be performed.

(d) Pneumatic loading from bulk delivery vehicles into blastholes primed with electric blasting caps or other static-sensitive systems shall conform to the requirements of this subsection.

(i) A positive grounding device shall be used to prevent the accumulation of static electricity.

(ii) A discharge hose shall be used that has a resistance range that will prevent conducting stray currents, but that is conductive enough to bleed off static buildup.

(iii) A qualified person shall evaluate all systems to determine if they will adequately dissipate static under potential field conditions.

(e) Repairs to bulk delivery vehicles shall conform to the requirements of this section.

(i) No welding or open flames shall be used on or around any part of the delivery equipment unless it has been completely washed down and all oxidizer material removed.

(ii) Before welding or making repairs to hollow shafts, the shaft shall be thoroughly cleaned inside and out and vented with a minimum one-half-inch diameter opening.

(4) Bulk storage bins.

(a) The bin, including supports, shall be constructed of compatible materials, waterproof, and adequately supported and braced to withstand the combination of all loads including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(b) The bin discharge gate shall be designed to provide a closure tight enough to prevent leakage of the stored product. Provision shall also be made so that the gate can be locked.

(c) Bin loading manways or access hatches shall be hinged or otherwise attached to the bin and be designed to permit locking.

(d) Any electrically driven conveyors for loading or unloading bins shall conform to the requirements of chapter 296-24 WAC, Part L, and WAC 296-800-280. They shall be designed to minimize damage from corrosion.

(e) Bins containing blasting agent shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-20 and separation from other blasting agent storage and explosives storage shall be in conformity with Table H-22.

(f) Bins containing ammonium nitrate shall be separated from blasting agent storage and explosives storage in conformity with Table H-22.

(5) Transportation of packaged blasting agents.

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of WAC 296-52-489 shall be complied with.

(b) Vehicles transporting blasting agents shall only be driven by and in charge of a driver at least twenty-one years of age who is capable, careful, reliable, and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the states vehicle and traffic laws.

(c) No matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No person shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants, narcotics, or other dangerous drugs.

(e) It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

(f) Vehicles transporting blasting agents shall be in safe operating condition at all times.

(g) When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of DOT.

(h) Vehicles used for transporting blasting agents on public highways shall be placarded in accordance with DOT regulations.

(6) Use of blasting agents. Persons using blasting agents shall comply with all of the applicable provisions of WAC 296-52-493.

AMENDATORY SECTION (Amending WSR 95-07-014, filed 3/6/95, effective 4/20/95)

WAC 296-52-501 Water gel (slurry) explosives and blasting agents. (1) General provisions. Unless otherwise set forth in this section, water gels and emulsions shall be transported, stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

(2) Types and classifications.

(a) Water gels and emulsion explosives containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for "explosives" in this section, except as noted in subsection (d) of this section.

(b) Water gels and emulsion explosives containing no substance in itself classified as an explosive and which are cap-sensitive as defined in WAC 296-52-417 under blasting agent shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this section.

(c) Water gels and emulsion blasting agents containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in WAC 296-52-417 under blasting agent shall be classified as blasting agents and manufactured, transported, stored, and used as specified for "blasting agents" in this section.

(d) When tests on specific formulations of water gels result in department of transportation classification as a Class B explosive, bullet-resistant magazines are not required, see WAC 296-52-453.

(3) Fixed location mixing.

(a)(i) Buildings or other facilities used for manufacturing emulsions and water gels shall be located with respect to inhabited buildings, passenger railroads and public highways, in accordance with Table H-21.

(ii) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-20), the sum of all masses that may propagate (i.e., lie at distances less than prescribed in Table

H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only fifty percent of its weight shall be used because of its reduced blast effects.

(b) Buildings used for the manufacture of emulsions of water gels shall conform to the requirements of this subsection.

(i) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(iii) Where fuel oil is used all fuel oil storage facilities shall be separated from the manufacturing plant and located in such a manner that in case of tank rupture, the oil will drain away from the manufacturing plant building.

(iv) The building shall be well ventilated. Heating units that do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside of the mixing building.

(v) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a fire-wall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(c) Ingredients of emulsion and water gels shall conform to the requirements of this subsection.

(i) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with WAC 296-52-461.

(ii) Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(iii) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(iv) Ingredients shall not be stored with incompatible materials.

(v) Peroxides and chlorates shall not be used.

(d) Mixing equipment shall comply with the requirements of this subsection.

(i) The design of the processing equipment, including mixing and conveying equipment, shall be compatible with the relative sensitivity of the materials being handled. Equipment shall be designed to minimize the possibility of frictional heating, compaction, overloading, and confinement.

(ii) Both equipment and handling procedures shall be designed to prevent the introduction of foreign objects or materials.

(iii) Mixers, pumps, valves, and related equipment shall be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(iv) All electrical equipment including wiring, switches, controls, motors, and lights, shall conform to the requirements of chapter 296-24 WAC, Part L, and WAC 296-800-280.

(v) All electric motors and generators shall be provided with suitable overload protection devices. Electrical generators, motors, proportioning devices, and all other electrical enclosures shall be electrically bonded. The grounding conductor to all such electrical equipment shall be effectively bonded to the service-entrance ground connection and to all equipment ground connections in a manner so as to provide a continuous path to ground.

(e) Mixing facilities shall comply with the fire prevention requirements of this subsection.

(i) The mixing, loading, and ingredient transfer areas where residues or spilled materials may accumulate shall be cleaned periodically. A cleaning and collection system for dangerous residues shall be provided.

(ii) A daily visual inspection shall be made of the mixing, conveying, and electrical equipment to establish that such equipment is in good operating condition. A program of systematic maintenance shall be conducted on regular schedule.

(iii) Heaters which are not dependent on the combustion process within the heating unit may be used within the confines of processing buildings, or compartments, if provided with temperature and safety controls and located away from combustible materials and the finished product.

(4) Bulk delivery and mixing vehicles.

(a) The design of vehicles shall comply with the requirements of this subsection.

(i) Vehicles used over public highways for the bulk transportation of emulsion and water gels or of ingredients classified as dangerous commodities, shall meet the requirements of the department of transportation and shall meet the requirements of WAC 296-52-489 and 296-52-497 of this section.

(ii) When electric power is supplied by a self-contained motor generator located on the vehicle the generator shall be at a point separate from where the water gel is discharged.

(iii) The design of processing equipment and general requirements shall conform to subsection (3)(c) and (d) of this section.

(iv) A positive action parking brake which will set the wheel brakes on at least one axle shall be provided on vehicles when equipped with air brakes and shall be used during bulk delivery operations. Wheel chocks shall supplement parking brakes whenever conditions may require.

(b) Operation of bulk delivery and mixing vehicles shall comply with the requirements of this subsection.

(i) The placarding requirements contained in DOT regulations apply to vehicles carrying water gel explosives or blasting agents.

(ii) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The operator shall be familiar with the commodities being delivered and the general procedure for handling emergency situations.

(iii) The hauling of either blasting caps or other explosives, but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers; see 49 CFR Chapter I.

(iv) No person shall be allowed to smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing, transfer, or down-the-hole loading of water gels at or near the blasting site.

(v) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle on to or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall furnish the driver the assistance of a second person to guide the driver's movements.

(vi) No intransit mixing of materials shall be performed.

(vii) The location chosen for water gel or ingredient transfer from a support vehicle into the bore hole loading vehicle shall be away from the blasthole site when the bore holes are loaded or in the process of being loaded.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-501 Scope and application. This chapter establishes safety practices for all types of logging, log road construction and other forest activities using logging machinery and/or power saws regardless of the end use of the wood. This chapter does not apply to log handling at sawmills, plywood mills, pulp mills, or other manufacturing operations governed by specific safety standards. This chapter provides minimum safety requirements for the logging industry. The logging industry is also covered by the general safety standards, chapter 296-24 WAC; occupational health standards, chapter 296-62 WAC; the safety and health core rules, chapter 296-800 WAC; or others that may apply. Chapter 296-52 WAC, which covers the possession, handling and use of explosives, applies when explosives are used in logging operations.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-507 Employer's responsibilities. The employer must comply with the requirements of all safety and health regulations and must:

- (1) Provide safety training for new employees.
- (2) Take additional precautions to ensure safe logging operations when extreme weather or other extreme conditions create hazards. If the logging operation cannot be made safe, the work must be discontinued until safe to resume.
- (3) Ensure that danger trees within reach of landings, rigging, buildings, or work areas are either fell before regular logging operations begin, or arrange work so that employees are not exposed to the related hazards.
- (4) Develop and maintain a chemical hazard communication program as required by (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170. The program must provide information to all employees about hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(5) Ensure that intoxicating beverages and narcotics are prohibited on or near the worksite. The employer must remove from the worksite any employee under the influence of alcohol or narcotics.

Note: Narcotics do not include prescription drugs taken under a doctor's direction if the use does not endanger any employee.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-51120 Eye and face protection. The employer must provide, at no cost to the employee, and ensure that each employee wears:

(1) Eye protection meeting the requirements of (~~chapter 296-24 WAC, Part A-2~~) WAC 296-800-160, where there is potential for eye injury from falling or flying objects; and

(2) Face protection meeting the requirements of (~~chapter 296-24 WAC, Part A-2~~) WAC 296-800-160, where there is potential for facial injury such as, but not limited to, operating a chipper. An employee using a chain saw may use either eye or face protection.

Note: The employee does not have to wear separate eye protection when the face protection also covers the eyes.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-51160 Leg protection. (1) The employer must provide, at no cost to the employee, and ensure that each employee who operates a chain saw wears leg protection constructed with cut-resistant material, such as ballistic nylon. The leg protection must cover the full length of the thigh to the top of the boot on each leg to protect against contact with a moving chain saw.

EXCEPTION: This requirement does not apply to an employee working aloft in trees when supported by climbing spurs and climbing belt, or when an employee is working from a vehicle-mounted elevating and rotating work platform meeting the requirements of chapter 296-24 WAC, Part (~~J-2~~) J-3, Vehicle-mounted elevating and rotating work platforms.

(2) Leg protection must be maintained in serviceable condition.

AMENDATORY SECTION (Amending WSR 99-17-117, filed 8/18/99, effective 12/1/99)

WAC 296-54-59340 Log unloading, booms, and rafting grounds—Dry land sorting and storage. (1) Unauthorized foot and vehicle traffic is prohibited in the sorting or storage area.

(2) Logs must be stored in a safe and orderly manner. Roadways and traffic lanes must be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas must be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways must have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris must not be allowed to accumulate to the extent they constitute a hazard to the operation.

(4) The employer must implement an effective method to control dust at log dumps and in sorting and storage areas.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means must be used at all times.

(7) Unnecessary talking to the operator while operating controls of a log stacker or log unloader is prohibited.

(8) Lift forks and arms of unloading machines must be lowered to their lowest position, and all equipment brakes set before the operator leaves the machine unattended.

(9) Log unloaders or stackers must not be moved about the premises for distances greater than absolutely necessary with the lift extended above the driver's head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they must be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by unloading lines, a self-releasing mechanism must be used. Employees are prohibited from climbing dry decks to release unloading lines.

(12) Employees must not enter the hazardous area near or under loads of logs being lifted, moved, or suspended.

(13) When log unloaders and log stackers are designed so that logs being handled may jeopardize the safety of the operator, the employer must provide overhead protection and any other necessary safeguards.

(14) Log unloaders and log stackers must be equipped with a horn or other audible warning device. If vision is impaired or restricted to the rear, the warning device must be sounded before operating the vehicle in reverse gear and periodically while backing. The warning device must be operative at all times.

(15) A limit stop, which will prevent the lift arms from over-traveling, must be installed on electric powered log unloaders.

(16) Shear guards must be installed on unloading machines and similar equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(17) All forklift log handling machines must be equipped with a grapple arms and the arms must be used whenever logs are being carried.

(18) When log trucks are loaded by a log stacker and the lay of any log is higher than the stakes, the log stacker must remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(19) All binders and wrappers must remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, must be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder must remain secured while relocating or tightening other binders. Crotch lines, forklifts, log stackers, log unloaders, or other effective means must be used for this purpose.

(20) An extra wrapper or metal band of equal strength must be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(21) Machines with arms that block the regular exit when in the up position must have an emergency exit installed.

(22) Riding on any part of a log handling machine except under the canopy guard is prohibited.

(23) Identification tags must not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(24) Employees must not approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of the person's intention and receiving an acknowledgement from the operator.

(25) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps apply.

(26) When logs are handled between sunset and sunrise or other periods of poor visibility, the employer must provide illumination that meets the requirements of WAC ((296-62-09003)) 296-800-210 relating to illumination.

(27) Air operated stake releases must meet the following requirements:

(a) The air supply must be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve;

(b) The control valve must be located in the cab, positioned so that it is accessible only from the operator's position;

(c) The control valve must be fitted with a spring-loaded cover or otherwise guarded against inadvertent operation; and

(d) A separate air line must extend from the control valve to the tractor and trailer stake release chambers. The air line must be clearly identified or installed so that it cannot be mistaken for the service or emergency air line.

(28) Each deck must be constructed and located so it is stable and provides each employee with enough room to safely move and work in the area.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60001 Scope and applicability. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 ((and)), 296-62 and 296-800 WAC are applicable to all longshore, stevedore and related waterfront operations: Provided, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 (~~and~~), 296-62 and 296-800 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—Chapter 296-24 WAC Part L, and WAC 296-800-280.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) Hearing conservation—Chapter 296-62 WAC Part K.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—Chapter 296-24 WAC Part ((J-1)) J-2.

(f) Safe practices of abrasive blasting operations—Chapter 296-24 WAC Part H-2.

(g) Access to employee exposure and medical records—Chapter 296-62 WAC Part B.

(h) Respiratory protection—Chapter 296-62 WAC Part E.

(i) Safety standards for grain handling facilities—Chapter 296-99 WAC.

(j) Chemical hazard communication (~~(purpose—Chapter 296-62 WAC Part C))~~ program—WAC 296-800-170.

(k) Asbestos—Chapters 296-62 Part I-1 and 296-65 WAC.

(l) Permit - required confined spaces and confined space—Chapter 296-62 WAC Part M.

(m) Servicing multi-piece and single-piece rim wheels—Chapter 296-24 WAC Part D.

(n) First-aid requirements—(~~Chapter 296-24 WAC Part A-1~~) WAC 296-800-150.

(o) Employee emergency plans and fire prevention plans—Chapter 296-24 WAC Part G-1.

(4) The provisions of this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

(5) WAC 296-62-074 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-56 WAC in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60009 Accident prevention program.

(1) An accident prevention program, which provides equitable management-employee participation, shall be established in all establishments, industrial plants, or operations.

(2) It shall be the responsibility of the employer to initiate and maintain the accident prevention program necessary to comply with this section. The division of WISHA services may be contacted for assistance in initiating and maintaining an effective accident prevention program.

(3) All accident prevention programs shall be tailored to the needs of the particular operation.

(4) Employer and employee representatives, as elected, delegated or appointed, shall attend and actively take part in frequent and regular safety committee meetings.

(5) Accident prevention programs shall provide for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures.

(6) A record of safety activities, such as inspections and meetings, shall be maintained by the employer for a period covering the previous twelve months and shall be made available, upon request, to noncompliance personnel of the department of labor and industries.

(7) Employees shall individually comply with all safety rules and cooperate with management in carrying out the accident prevention program.

(8) To make effective the preceding statement and promote on-the-job accident prevention, committees shall be established in each port. These committees shall consist of an equal number of port or stevedore company and longshoremen representatives at the job level with the industry or company safety supervisor serving as secretary and coordinator. Some functions of the committee are to maintain the interest of the workers in accident prevention by providing for their actual participation in the program, to direct their attention to the real causes of accidents, and to provide a means for making practical use of their intimate knowledge of working conditions and practices.

(9) It is intended that this program will produce mutually practical and effective recommendations regarding correction of accident-producing circumstances and conditions.

Note: For first aid requirements, see (~~chapter 296-24 WAC Part A-1~~) WAC 296-800-150.

Note: For emergency plan and fire prevention plan requirements, see chapter 296-24 WAC Part G-1.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-56-60003 Variance and procedure. Conditions may exist under which certain state standards will not have practical application. In these cases, the director of the department of labor and industries has made provisions for the issuance of variances. The director or his/her authorized representative may, pursuant to this section, RCW 49.17.080 and 49.17.090, and WAC (~~(296-350-200 through 296-350-270)~~) 296-350-700, upon receipt of application and after

investigation by the department, permit a variation from the requirements of this chapter. Any variance is limited to the particular case and application. It shall remain posted during the time which it is in effect. Variance application forms may be obtained from the department.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-001 Foreword. (1) This vertical standard is promulgated in accordance with applicable provisions of the Washington State Administrative Procedure Act, chapter 34.04 RCW, and the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

(2) The requirements of this chapter shall be applied through the department of labor and industries, division of industrial safety and health, in accordance with administrative procedures provided for in chapter 49.17 RCW, and chapters 296-27, 296-350, ~~((and))~~ 296-360, and 296-800 WAC.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-59-005 Incorporation of other standards.

(1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

(3) Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) The employer shall develop and maintain a chemical hazard communication program as required by ~~((chapter 296-62 WAC, Part C))~~ WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(6) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-010 Safe place standards. The safe place requirements of the ~~((general))~~ safety and health ~~((standards, WAC 296-24-073))~~ core rules, WAC 296-800-110, shall be applicable within the scope of chapter 296-59 WAC.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-020 Management's responsibility. The ~~(("management's responsibility"))~~ "safe work environment" section of the ~~((general))~~ safety and health ~~((standards))~~ core rules, WAC ((296-24-020)) 296-800-110, shall be applicable within the scope of chapter 296-59 WAC.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-025 Employee's responsibility. The ~~(("employee's responsibility"))~~ "employee responsibilities" section of the ~~((general))~~ safety and health ~~((standards, WAC 296-24-025))~~ core rules, WAC 296-800-120, shall be applicable within the scope of chapter 296-59 WAC.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-030 Safety bulletin board. The "safety bulletin board" requirements of the ~~((general))~~ safety and health ~~((standards))~~ core rules, WAC ((296-25-055)) 296-800-190, shall be applicable within the scope of chapter 296-59 WAC.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-59-035 First-aid. The first-aid provisions of ~~((chapter 296-24 WAC, Part A-1 of))~~ the ~~((general))~~ safety and health ~~((standards))~~ core rules, WAC 296-800-150 apply within the scope of chapter 296-59 WAC.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-050 Personal protective equipment, general requirements. (1) Application.

(a) Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is indicated by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

(b) Employee-owned equipment. Where employees provide their own protective equipment, the employer shall be

PERMANENT

responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) Design, construction, testing, and use of personal protective equipment shall comply with the requirements of the ((General)) safety and health ((standards, chapter 296-24)) core rules, WAC 296-800-160; the Occupational health standards—Safety standards for carcinogens, chapter 296-62 WAC; or the currently applicable ANSI standard.

(2) Eye and face protection. Eye and face protective equipment shall be provided and worn where there is exposure in the work process or environment to hazard of injury, which can be prevented by such equipment.

(3) Occupational head protection. Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets, i.e., a lift operator would not be required to use a hardhat while operating the lift. However, if that same person is assisting with maintenance operations and is working under a tower where overhead work is being done, that operator would now be required to wear an approved helmet.

(a) Helmets for the protection of employees against impact and/or penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1986, Safety Requirements for Industrial Head Protection.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971, Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B.

(c) Approved head protection shall be worn by operators of snowmobiles and other mobile oversnow equipment which is not equipped with a rigid metal operator's cab.

(4) Occupational foot protection.

(a) Substantial footwear appropriate for the work conditions encountered shall be worn by all employees.

(b) Where the job assignment includes exposure to slipping hazards, soles and heels of footwear shall be of such material and design as to reduce the hazard of slipping.

(5) Safety belts, lifelines, lanyards, and nets.

(a) Safety belts, lifelines, and lanyards which meet the requirements of ANSI A10.14 shall be provided and used whenever employees are working in locations which expose them to a fall of more than ten feet. The particular work location and application shall dictate which type of belt or harness and length of lanyard is used.

(b) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of five thousand four hundred pounds.

(c) Lifelines used on rock scaling applications or in areas where the lifeline may be subjected to cutting or abrasion shall be a minimum of seven-eighths inch wire core manila rope or equivalent. For all other lifeline applications, three-fourths inch manila rope or equivalent with a minimum break strength of five thousand four hundred pounds may be used.

(d) Each safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a minimum of five thousand four hundred pounds breaking strength.

(e) Employees will not be required to wear a safety belt and lanyard while riding on a standard lift chair while seated in the normal riding position.

(f) Safety nets meeting the requirements of ANSI A10.11 shall be used when other acceptable forms of fall protection are not useable. When used, safety nets shall extend a minimum of eight feet beyond the edge offering exposure, shall be hung with sufficient clearance to prevent user's contact with surfaces or objects below, and shall not be more than twenty-five feet below the fall exposure edge.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-065 Fire protection and ignition sources. The requirements of WAC 296-24-585 and 296-800-300, et seq., relating to fire protection requirements, shall be applicable within the scope of chapter 296-59 WAC.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-070 Illumination. (1) Sufficient illumination required. All areas shall be sufficiently illuminated in order that persons in the area can safely perform their assigned duties. The recommended levels of illumination specified in ((chapter 296-62 WAC, general occupational health standards)) the safety and health core rules, WAC 296-800-210, shall be followed. When areas are not specifically referred to in chapter ((296-62)) 296-800 WAC and the adequacy of illumination for the area or task performed is questionable, a determination of the amount of illumination needed may be made by the division of industrial safety and health.

(2) Emergency or secondary lighting system required.

(a) There shall be an emergency or secondary lighting system which can be actuated immediately upon failure of the normal power supply system. The emergency or secondary lighting system shall provide illumination in the following areas:

(i) Wherever it is necessary for workers to remain at their machine or station to shut down equipment in case of power failure;

(ii) At stairways and passageways or aiseways used by workers as an emergency exit in case of power failure;

(iii) In all plant first-aid and/or medical facilities;

(iv) In emergency power and control room, i.e., in emergency generator rooms unless arranged to start automatically in the event of power failure, or on ski lift motor drive rooms where it would be necessary for employees to switch on the emergency drive system during night skiing.

(b) Emergency lighting facilities shall be checked at least every thirty days for mechanical defects. Defective equipment shall be given priority for repair schedule.

(3) Extension cord type lights. All extension cord type lights shall be provided with proper guards.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-085 Scaffolds, construction, use, and maintenance. (1) Whenever work must be performed at a height which cannot be reached from the floor or permanent platform and where it would not be a safe practice to use a ladder, a properly constructed scaffold shall be provided and used.

(2) Scaffolds shall be constructed and used in compliance with WAC ((296-24-825 through 296-24-84013)) 296-24-860 through 296-24-862.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-054 ~~Manufacturers, importers and distributors—Hazard communication~~ ((purpose)). ((1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported are evaluated, and that information concerning their hazards is transmitted to employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(2) ~~This occupational safety and health standard is intended to address comprehensively the issue of evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees. Evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for: Developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures.)~~ **Your responsibility:** To ensure that the hazards of all chemicals produced or imported are evaluated and that information concerning their hazards is given to employers and employees.

Note:

- If you have employees exposed to the chemicals you produce, import or distribute, you must comply with "Chemical hazard communication rule" WAC 296-800-170.
- If you are an employer who relies on a material safety data sheet from the manufacturer, importer or distributor and you distribute or produce hazardous chemicals, you do not have to comply with this rule.

You must:

- Determine whether the chemicals you produce in your workplace or import are hazardous. WAC 296-62-05402
- Use this criteria in making hazard determinations. WAC 296-62-05404
- Determine whether the chemicals you produce or import are health hazards. WAC 296-62-05406

- Obtain or develop a material safety data sheet for each hazardous chemical you produce or import. WAC 296-62-05408

- Label clearly each container of hazardous chemicals that leaves your workplace. WAC 296-62-05410

- Provide material safety data sheets. WAC 296-62-05412

Application of this standard:

The Manufacturers, Importers, and Distributors Hazardous Communication Rule DOES NOT APPLY to:

- Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology that describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

- Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;

- Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations;

- Tobacco or tobacco products;

- Wood or wood products, including lumber that will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility (wood or wood products that have been treated with hazardous chemicals covered by this standard, and wood that may be subsequently sawed or cut, generating dust, are not exempted);

- Articles are manufactured items other than a fluid or particle:

- That are formed to a specific shape or design during manufacture;

- That have end use function(s) dependent in whole or in part upon their shape or design during end use; and

- That under normal conditions of use do not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under the hazard determination section of this rule), and do not pose a physical hazard or health risk to employees.

- Food or alcoholic beverages that are sold, used, or prepared in a retail establishment (such as grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

- Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs that are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

• Cosmetics that are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

• Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure that is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

- Ionizing and nonionizing radiation; and
- Biological hazards.

Article means a manufactured item other than a fluid or particle:

- Which is formed to a specific shape or design during manufacture;
- Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
- Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC 296-62-05407), and does not pose a physical hazard or health risk to employees.

Director means the director of the department of labor and industries or his/her designee.

Chemical means any element, chemical compound or mixture of elements and/or compounds.

Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be

exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazardous chemical means any chemical which is a physical hazard or a health hazard.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States. This definition is the same as Webster's, therefore we did not include it in the definitions.

Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05408.

Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and

invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are:

The extent to which the information is known outside of his business;

The extent to which it is known by employees and others involved in his business;

The extent of measures taken by him to guard the secrecy of the information;

The value of the information to him and his competitors;

The amount of effort or money expended by him in developing the information;

The ease or difficulty with which the information could be properly acquired or duplicated by others.

Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05225 provides a legal definition of trade secret and this rule sets out the criteria to be used in evaluating trade secrets.

Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

NEW SECTION

WAC 296-62-05402 Determine whether the chemicals you produce in your workplace or import are hazardous. Chemical manufacturers and importers must evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous.

Chemical manufacturers, importers or employers evaluating chemicals must identify and consider the available scientific evidence concerning physical and health hazards. For health hazards, evidence that is statistically significant and that is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this part. WAC 296-62-05406 must be consulted for the scope of health hazards covered, and WAC 296-62-05404 must be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

The chemical manufacturer, importer or employer evaluating chemicals must treat the following sources as establishing that the chemicals listed in them are hazardous:

- Chapter 296-62 WAC, General occupational health standards;
- 29 C.F.R. Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or
- *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).
- The chemical manufacturer, importer, or employer is responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with this requirement of the standard.

Chemical manufacturers, importers and employers evaluating chemicals must treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

- National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);
- International Agency for Research on Cancer (IARC) Monographs (latest editions);
- Chapter 296-62 WAC, General occupational health standards; or
- 29 C.F.R. Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

Note: *The Registry of Toxic Effects of Chemical Substances* published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

The chemical manufacturer, importer or employer must determine the hazards of mixtures of chemicals as follows:

- If a mixture has been tested as a whole to determine its hazards, the results of such testing must be used to determine whether the mixture is hazardous;
- If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture must be assumed to present the same health hazards as do the compo-

nents that comprise one percent (by weight or volume) or greater of the mixture, except that the mixture must be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater that is considered to be a carcinogen;

- If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and

- If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations that would exceed an established WISHA or OSHA permissible exposure limit or ACGIH threshold limit value, or could present a health risk to employees in those concentrations, the mixture must be assumed to present the same hazard.

Chemical manufacturers, importers, or employers evaluating chemicals must describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee and the National Institute of Occupational Safety and Health (NIOSH). The written description may be incorporated into the written hazard communication program required under WAC 296-800-17005.

NEW SECTION

WAC 296-62-05404 Use these criteria in making hazard determinations. The hazard determination requirement of this standard is performance-oriented. Chemical manufacturers, importers, and employers evaluating chemicals are not required to follow any specific methods for determining hazards, but they must be able to demonstrate that they have adequately ascertained the hazards of the chemicals produced or imported in accordance with the criteria set forth in this rule.

Hazard evaluation is a process that relies heavily on the professional judgment of the evaluator, particularly in the area of chronic hazards. The performance-orientation of the hazard determination does not diminish the duty of the chemical manufacturer, importer or employer to conduct a thorough evaluation, examining all relevant data and producing a scientifically defensible evaluation. For purposes of this standard, the following criteria shall be used in making hazard determinations that meet the requirements of this rule.

- **Carcinogenicity:** A determination by the National Toxicology Program, the International Agency for Research on Cancer, WISHA or OSHA that a chemical is a carcinogen or potential carcinogen will be considered conclusive evidence for purposes of this part. In addition, however, all available scientific data on carcinogenicity must be evaluated in accordance with the provisions of the requirements of this rule.

- **Human data:** Where available, epidemiological studies and case reports of adverse health effects shall be considered in the evaluation.

- **Animal data:** Human evidence of health effects in exposed populations is generally not available for the major-

ity of chemicals produced or used in the workplace. Therefore, the available results of toxicological testing in animal populations shall be used to predict the health effects that may be experienced by exposed workers. In particular, the definitions of certain acute hazards refer to specific animal testing results.

- **Adequacy and reporting of data.** The results of any studies that are designed and conducted according to established scientific principles, and that report statistically significant conclusions regarding the health effects of a chemical, shall be a sufficient basis for a hazard determination and reported on any material safety data sheet. In vitro studies alone generally do not form the basis for a definitive finding of a hazard under the hazard communication standard since they have a positive or negative result rather than a statistically significant finding.

The chemical manufacturer, importer, or employer may also report the results of other scientifically valid studies that tend to refute the findings of hazard.

NEW SECTION

WAC 296-62-05406 Determine whether the chemicals you produce or import are health hazards. Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g., flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body — such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees — such as shortness of breath, a nonmeasurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in nonoccupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are common, such as lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1988) — irritation, corrosivity, sensitiza-

tion and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects that may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obviously a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

WAC 296-62-05404 outlines the principles and procedures of hazard assessment.

For purposes of this part, any chemicals that meet any of the following definitions, as determined by the criteria set forth in WAC 296-62-05404, are health hazards. However, this is not intended to be an exclusive categorization scheme. If there are available scientific data that involve other animal species or test methods, they must also be evaluated to determine the applicability of the hazard communication rule.

- **Carcinogen:** A chemical is considered to be a carcinogen if:

- ◆ It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

- ◆ It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or

- ◆ It is regulated by WISHA as a carcinogen.

- **Corrosive:** A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 C.F.R. Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term must not refer to action on inanimate surfaces.

- **Highly toxic:** A chemical falling within any of the following categories:

- ◆ A chemical that has a median lethal dose (LD₅₀) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

- ◆ A chemical that has a median lethal dose (LD₅₀) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

- ◆ A chemical that has a median lethal concentration (LC₅₀) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

- **Irritant:** A chemical, which is not corrosive, but that causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 C.F.R. 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant if so determined under the procedure listed in 16 C.F.R. 1500.42 or other appropriate techniques.

- **Sensitizer:** A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

- **Toxic:** A chemical falling within any of the following categories:

- ◆ A chemical that has a median lethal dose (LD₅₀) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

- ◆ A chemical that has a median lethal dose (LD₅₀) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

- ◆ A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

- **Target organ effects:** The following is a target organ categorization of effects that may occur, including examples of signs and symptoms and chemicals that have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

- | | | |
|-----|-------------------|---|
| (a) | Hepatotoxins: | Chemicals that produce liver damage. |
| | Signs & symptoms: | Jaundice, liver enlargement. |
| | Chemicals: | Carbon tetrachloride, nitrosamines. |
| (b) | Nephrotoxins: | Chemicals that produce kidney damage. |
| | Signs & symptoms: | Edema; proteinuria. |
| | Chemicals: | Halogenated hydrocarbons; uranium. |
| (c) | Neurotoxins: | Chemicals that produce their primary toxic effects on the nervous system. |

PERMANENT

PERMANENT

- Signs & symptoms: Narcosis; behavioral changes; decrease in motor functions.
- Chemicals: Mercury, carbon disulfide.
- (d) Agents that act on the blood or hemato-poietic system: Decrease hemoglobin function; deprive the body of oxygen.
- Signs & symptoms: Cyanosis; loss of consciousness.
- Chemicals: Carbon monoxide; cyanides.
- (e) Agents that damage the lung: Chemicals that irritate or damage the pulmonary tissue.
- Signs & symptoms: Cough; tightness in chest; shortness of breath.
- Chemicals: Silica; asbestos.
- (f) Reproductive toxins: Chemicals that affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
- Signs & symptoms: Birth defects; sterility.
- Chemicals: Lead; DBCP.
- (g) Cutaneous hazards: Chemicals that affect the dermal layer of the body.
- Signs & symptoms: Defatting of the skin; rashes; irritation.
- Chemicals: Ketones; chlorinated compounds.
- (h) Eye hazards: Chemicals that affect the eye or visual capacity.
- Signs & symptoms: Conjunctivitis; corneal damage.
- Chemicals: Organic solvents; acids.

NEW SECTION

WAC 296-62-05408 Obtain or develop a material safety data sheet for each hazardous chemical you produce or import. Chemical manufacturers and importers must obtain or develop a material safety data sheet (MSDS) for each hazardous chemical they produce or import.

Each material safety data sheet must be in English (although the employer may maintain copies in other languages) and must contain at least the following information:

- The identity used on the label, and, except as provided for in the trade secrets rule, WAC 296-62-053:
- ◆ If the hazardous chemical is a single substance, its chemical and common name(s);
- ◆ If the hazardous chemical is a mixture that has been tested as a whole to determine its hazards, the chemical and

common name(s) of the ingredients that contribute to these known hazards, and the common name(s) of the mixture itself; or

◆ If the hazardous chemical is a mixture that has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients that have been determined to be health hazards, and that comprise 1% or greater of the composition, except that chemicals identified as carcinogens under "*Determine whether the chemicals you produce in your workplace or import are hazardous.*" section in "Manufactures, importers and distributors, chemical hazard communication," WAC 296-62-05401, shall be listed if the concentrations are 0.1% or greater; and

(B) The chemical and common name(s) of all ingredients that have been determined to be health hazards, and that comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations that would exceed an established WISHA or OSHA permissible exposure limit or ACGIH threshold limit value, or could present a health risk to employees; and

(C) The chemical and common name(s) of all ingredients that have been determined to present a physical hazard when present in the mixture;

- Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);
- The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;
- The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions that are generally recognized as being aggravated by exposure to the chemical;
- The primary route(s) of entry;
- The WISHA or OSHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet (the PELs and TLVs include the 8-hour TWA, STEL, ceiling value and skin notation where available);
- Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA or OSHA;
- Any generally applicable precautions for safe handling and use that are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;
- Any generally applicable control measures that are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;
- Emergency and first aid procedures;
- The date of preparation of the material safety data sheet or the last change to it; and

• The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet must mark it to indicate that no applicable information was found.

Where complex mixtures have similar hazards and contents (i.e., the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

The chemical manufacturer, importer or employer preparing the material safety data sheet must ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information must be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported, the chemical manufacturer or importer must add the information to the material safety data sheet before the chemical is introduced into the workplace again.

NEW SECTION

WAC 296-62-05410 Label clearly each container of hazardous chemicals that leaves your workplace. The chemical manufacturer, importer, or distributor must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

- Identity of the hazardous chemical(s);
- Appropriate hazard warnings; and
- Name and address of the chemical manufacturer, importer, or other responsible party.

For solid metal (such as a steel beam or a metal casting), solid wood, or plastic items that are not exempted as articles due to their downstream use, or shipments of whole grain, the required label may be:

- Transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes;
- Transmitted with the initial shipment itself, or with the material safety data sheet that is to be provided prior to or at the time of the first shipment; and
- This exception to requiring labels on every container of hazardous chemicals is only for the solid material itself and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the material and to that which employees handling the items in transit may be exposed (for example, cutting fluids or pesticides in grain).

Chemical manufacturers, importers, or distributors must ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this part in a manner that does not conflict with the requirements of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.) and regulations issued under that act by the department of transportation.

If the hazardous chemical is regulated by WISHA or OSHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer must ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this part if existing labels already convey the required information.

Chemical manufacturers, importers, distributors, or employers who become newly aware of any significant information regarding the hazards of a chemical must revise the labels for the chemical within three months of becoming aware of the new information. Labels on containers of hazardous chemicals shipped after that time must contain the new information. If the chemical is not currently produced or imported, the chemical manufacturer, importer, distributor, or employer must add the information to the label before the chemical is shipped or introduced into the workplace again.

Retention of DOT markings, placards and labels.

■ Any employer who receives a package of hazardous material that is required to be marked, labeled or placarded in accordance with the U.S. Department of Transportation's Hazardous Materials Regulations (49 C.F.R. Parts 171 through 180) must retain those markings, labels and placards on the package until the packaging is sufficiently cleaned of residue and purged of vapors to remove any potential hazards.

■ Any employer who receives a freight container, rail freight car, motor vehicle, or transport vehicle that is required to be marked or placarded in accordance with the Hazardous Materials Regulations must retain those markings and placards on the freight container, rail freight car, motor vehicle or transport vehicle until the hazardous materials that require the marking or placarding are sufficiently removed to prevent any potential hazards.

■ Markings, placards and labels must be maintained in a manner that ensures that they are readily visible.

■ For nonbulk packages that will not be reshipped, the provisions of this section are met if a label or other acceptable marking is affixed in accordance with this rule.

■ For the purposes of this section, the term "hazardous material" and any other terms not defined in this section have the same definition as in the Hazardous Materials Regulations (49 C.F.R. Parts 171 through 180).

The hazard communication rule does not require labeling of the following chemicals:

- Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

PERMANENT

- Any chemical substance or mixture as such terms are defined in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act and labeling requirements issued under that act by the Environmental Protection Agency;

- Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the department of agriculture;

- Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms;

- Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission; and

- Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling requirements issued under that act by the department of agriculture.

NEW SECTION

WAC 296-62-05412 Provide material safety data sheets. Chemical manufacturers or importers must:

- Ensure that distributors and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated;

- Either provide material safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;

- If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer must obtain one from the chemical manufacturer or importer as soon as possible; and

- Also, provide distributors or employers with a material safety data sheet upon request.

• Distributors must:

- Ensure that material safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a material safety data sheet is updated;

- Either provide material safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

- If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the

distributor must obtain one from the chemical manufacturer or importer as soon as possible.

Retailers selling hazardous chemicals to employers having a commercial account must provide a material safety data sheet to such employers upon request, and must post a sign or otherwise inform them that a material safety data sheet is available.

Wholesale distributors selling hazardous chemicals to employers over-the-counter may also provide material safety data sheets upon request of the employer at the time of the over-the-counter purchase, and must post a sign or otherwise inform such employers that a material safety data sheet is available.

If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have material safety data sheets on file (i.e., the retail distributor does not have a commercial account and does not use the materials), the retail distributor must provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material safety data sheet can be obtained.

Wholesale distributors must also provide material safety data sheets to employers or other distributors upon request.

Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-05403	Scope and application.
WAC 296-62-05405	Definitions applicable to this part.
WAC 296-62-05407	Hazard determination.
WAC 296-62-05409	Written hazard communication program.
WAC 296-62-05411	Labels and other forms of warning.
WAC 296-62-05413	Material safety data sheets.
WAC 296-62-05415	Employee information and training.
WAC 296-62-05417	Trade secrets.
WAC 296-62-05419	Effective dates.
WAC 296-62-05421	Appendix A—Health hazard definitions (mandatory).
WAC 296-62-05423	Appendix B—Hazard determination (mandatory).
WAC 296-62-05425	Appendix C—Information sources (advisory).
WAC 296-62-05427	Appendix D.

WAC 296-62-05429

Appendix E—Guidelines for employer compliance (advisory).

PART B-1
TRADE SECRETSAMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-62-05207 Preservation of records. (1) Unless a specific occupational safety and health standard provides a different period of time, each employer shall assure the preservation and retention of records as follows:

(a) Employee medical records. The medical record for each employee shall be preserved and maintained for at least the duration of employment plus thirty years, except that the following types of records need not be retained for any specific period:

(i) Health insurance claims records maintained separately from the employer's medical program and its records;

(ii) First-aid records (not including medical histories) of one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and the like which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a nonphysician and if maintained separately from the employer's medical program and its records; and

(iii) The medical records of employees who have worked for less than one year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

(b) Employee exposure records. Each employee exposure record shall be preserved and maintained for at least thirty years, except that:

(i) Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one year as long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained, are retained for at least thirty years; and

(ii) ~~(Material safety data sheets and WAC 296-62-05205(5))~~ Employee exposure records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity (chemical name if known) of the substance or agent, where it was used, and when it was used is retained for at least thirty years; and

(iii) Biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard.

(c) Analyses using exposure or medical records. Each analysis using exposure or medical records shall be preserved and maintained for at least thirty years.

(2) Nothing in this section is intended to mandate the form, manner, or process by which an employer preserves a record as long as the information contained in the record is preserved and retrievable, except that chest x-ray films shall be preserved in their original state.

NEW SECTION

WAC 296-62-05301 Definitions. Understand a trade secret.

The following is a reprint of the Restatement of Torts section 757, comment b (1939):

Definition of trade secret. A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business (see § 759 of the Restatement of Torts which is not included in this Appendix) in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operations of the business. Generally, it relates to the production of goods, as, for example, a machine or formula for the production of an article. It may, however, relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

Director means the director of the department of labor and industries or his/her designee.

Chemical means any element, chemical compound or mixture of elements and/or compounds.

Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.

Commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

PERMANENT

Compressed gas means:

- A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or
- A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or
- A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this part, pipes or piping systems are not considered to be containers.

Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

Definitions applicable to this rule:

Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

Flammable means a chemical that falls into one of the following categories:

- Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields a flame

projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

- Gas, flammable means:

- A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

- A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

- Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

- Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

- Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

- Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

- Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

Hazardous chemical means any chemical which is a physical hazard or a health hazard.

Hazard warning means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See definition for "physical haz-

ard" and "health hazard" to determine the hazards which must be covered.)

Health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this part, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States. This definition is the same as Webster's, therefore we did not include it in the definitions.

Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05408.

Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Organic peroxide means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The permissible exposure limits (PELs) shall include the following four categories:

- Permissible exposure limits - Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-hour work week which shall not be exceeded.
- Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that

time period shall not be exceeded at any time during the working day.

- Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

- "Skin" notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a "skin" notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

Physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

Produce means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

Purchaser means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

Pyrophoric means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

Responsible party means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

Threshold limit values (TLVs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV-Time weighted average (TLV-TWA), TLV-Short term exposure limit (TLV-STEL), TLV-Ceiling (TLV-Ceiling) and "skin" notation as stated in the most recent edition of the 'Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices' from the American Conference of Governmental Industrial Hygienists (ACGIH).

Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

Unstable (reactive) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

Water-reactive means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

NEW SECTION

WAC 296-62-05305 Meet certain conditions if you withhold trade secret information. You may withhold the specific chemical identity, including the chemical name and other specific identification of a toxic substance or hazardous chemical, from a disclosable record or a material safety data sheet if you meet each of the following conditions:

You:

- Can support the claim that the information withheld is a trade secret.
- Disclose all other available information about the properties and effects of the toxic substance.
- Disclose the information in the material safety data sheet about the properties and effects of the hazardous chemical.
- Inform the person requesting the information, or the material safety data sheet states that the specific chemical identity is being withheld as a trade secret.
- Make available the specific chemical identity to health professionals, employees, and their designated representatives according to the provisions of this rule.

Nothing in this rule hinders an employer from deleting from records requested by a health professional, employee, or designated representative any trade secret data which discloses manufacturing processes, or discloses the percentage of a chemical substance in a mixture.

You must notify the health professional, employee, or designated representative requesting records that information about the trade has been deleted from the records.

If deleting trade secret information from a record substantially impairs evaluation of the location or the time when exposure to a toxic substance occurred, you must provide alternative information that enables the requesting party to identify where and when the exposure occurred.

NEW SECTION

WAC 296-62-05310 Reveal trade secret information when it is needed in order to treat a medical or first-aid emergency. When a physician or nurse treating a patient determines that a medical emergency exists and the specific chemical identity of a toxic substance or hazardous chemical is necessary for emergency or first-aid treatment, you must immediately disclose the specific chemical identity of a trade secret chemical to the treating physician or nurse.

You must do this even if you do not have a written statement of need or a confidentiality agreement from the physician or nurse who is handling the medical emergency.

You may require a written statement of need and confidentiality agreement, in accordance with the provisions of nonemergency situations and confidentiality agreement of

this rule (see WAC 296-62-05315), as soon as the circumstances of the medical emergency permit.

NEW SECTION

WAC 296-62-05315 Reveal trade secret information in nonemergency situations when requested by a health professional, employee, or designated representative.

The request by the health professional, employee, or designated representative must:

- Be in writing.
 - Describe with reasonable detail one or more of the reasons the information is needed. The reason(s) must be related to occupational health needs, such as to:
 - Assess the hazards of the chemicals to which employees will be exposed.
 - Conduct or assess sampling of the workplace atmosphere to determine employee exposure levels.
 - Conduct preassignment or periodic medical surveillance of exposed employees.
 - Provide medical treatment to exposed employees.
 - Select or assess appropriate personal protective equipment for exposed employees.
 - Design or assess engineering controls or other protective measures for exposed employees.
 - Conduct studies to determine the health effects of exposure.
 - Explain in detail why the disclosure of the specific chemical identity is essential.
 - Explain why disclosing the:
 - Properties and effects of the chemical.
 - Measures for controlling workers' exposure to the chemical.
 - Methods of monitoring and analyzing worker exposure to the chemical.
 - Methods of diagnosing and treating harmful exposures to the chemical
- in lieu of trade secret information would prevent the health professional, employee, or designated representative from providing the occupational health services described in the occupational health needs description.
- Describe procedures to be used to maintain the confidentiality of the disclosed information. The health professional, employee, or designated representative and the employer or contractor of the services of the health professional or designated representative agree in a written confidentiality agreement that the health professional, employee, or designated representative:
 - Will not use the trade secret information for any purpose other than the health need(s) described; and
 - Agree not to release the information under any circumstances other than to WISHA, except as authorized by the terms of the agreement or by the employer.
- This confidentiality agreement may:**
- Restrict the use of the information to the health purposes indicated in the written statement of need.
 - Provide for appropriate legal remedies in the event of a breach of the agreement, including a reasonable preestimate of likely damages.

- Not include requirements for the posting of a penalty bond.

If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to WISHA, he or she must inform the employer who provided the information prior to, or at the same time as disclosing it to WISHA.

Nothing in this section is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.

NEW SECTION

WAC 296-62-05320 Deny a written request for disclosure of a specific chemical identity in the manner specified in this rule. If you choose to deny a written request for disclosure of information about a specific chemical identity, your denial must:

- Be given to the health professional, employee, or designated representative within thirty days of the request.
- Be in writing.
- Include evidence to support the claim that the specific chemical identity is a trade secret.
- State the specific reasons why the request is being denied.
- Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.
- If a request for information is denied under the non-emergency section of this rule, the request may then be referred with the written denial of the request to WISHA for consideration.
 - When a denial is referred to WISHA, WISHA must consider the evidence to determine if the:
 - Chemical manufacturer, importer or employer has supported the claim that the specific chemical identity is a trade secret.
 - Health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information.
 - Health professional, employee, or designated representative has demonstrated adequate means to protect the confidentiality of the trade secret information.

Potential outcomes of denying a written request for trade secret information:

- If WISHA determines that the specific chemical identity requested under the nonemergency situations section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means for complying with the terms of such agreement, the chemical manufacturer, importer or employer will be subject to a citation by WISHA.
- If a chemical manufacturer, importer or employer demonstrates to WISHA that the execution of a confidentiality agreement would not provide sufficient protection against potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director may issue such

orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health needs are met without an undue risk of harm to the chemical manufacturer, importer or employer.

- In spite of the existence of a trade secret claim, a chemical manufacturer, importer or employer must upon request, disclose to the director or his representative, any information that this section requires the chemical manufacturer, importer or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

NEW SECTION

WAC 296-62-05325 Understand what is a trade secret. The following is a reprint of the *Restatement of Torts* section 757, comment *b* (1939):

b. **Definition of trade secret.** A trade secret may consist of any formula, pattern, device or compilation of information which is used in one's business, and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. It may be a formula for a chemical compound, a process of manufacturing, treating or preserving materials, a pattern for a machine or other device, or a list of customers. It differs from other secret information in a business (see § 759 of the *Restatement of Torts* which is not included in this Appendix) in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operations of the business. Generally it relates to the production of goods, as, for example, a machine or formula for the production of an article. It may, however, relate to the sale of goods or to other operations in the business, such as a code for determining discounts, rebates or other concessions in a price list or catalogue, or a list of specialized customers, or a method of bookkeeping or other office management.

Secrecy. The subject matter of a trade secret must be secret. Matters of public knowledge or of general knowledge in an industry cannot be appropriated by one as his secret. Matters which are completely disclosed by the goods which one markets cannot be his secret. Substantially, a trade secret is known only in the particular business in which it is used. It is not requisite that only the proprietor of the business know it. He may, without losing his protection, communicate it to employees involved in its use. He may likewise communicate it to others pledged to secrecy. Others may also know of it independently, as, for example, when they have discovered the process or formula by independent invention and are

keeping it secret. Nevertheless, a substantial element of secrecy must exist, so that, except by the use of improper means, there would be difficulty in acquiring the information. An exact definition of a trade secret is not possible. Some factors to be considered in determining whether given information is one's trade secret are:

(1) The extent to which the information is known outside of his business;

(2) The extent to which it is known by employees and others involved in his business;

(3) The extent of measures taken by him to guard the secrecy of the information;

(4) The value of the information to him and his competitors;

(5) The amount of effort or money expended by him in developing the information;

(6) The ease or difficulty with which the information could be properly acquired or duplicated by others.

Novelty and prior art. A trade secret may be a device or process which is patentable; but it need not be that. It may be a device or process which is clearly anticipated in the prior art or one which is merely a mechanical improvement that a good mechanic can make. Novelty and invention are not requisite for a trade secret as they are for patentability. These requirements are essential to patentability because a patent protects against unlicensed use of the patented device or process even by one who discovers it properly through independent research. The patent monopoly is a reward to the inventor. But such is not the case with a trade secret. Its protection is not based on a policy of rewarding or otherwise encouraging the development of secret processes or devices. The protection is merely against breach of faith and reprehensible means of learning another's secret. For this limited protection it is not appropriate to require also the kind of novelty and invention which is a requisite of patentability. The nature of the secret is, however, an important factor in determining the kind of relief that is appropriate against one who is subject to liability under the rule stated in this section. Thus, if the secret consists of a device or process which is a novel invention, one who acquires the secret wrongfully is ordinarily enjoined from further use of it and is required to account for the profits derived from his past use. If, on the other hand, the secret consists of mechanical improvements that a good mechanic can make without resort to the secret, the wrongdoer's liability may be limited to damages, and an injunction against future use of the improvements made with the aid of the secret may be inappropriate.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-010 Purpose and scope. ~~((1) Purpose.~~ The purpose of this chapter is:

(a) ~~To protect the health of workmen by prescribing minimum requirements for the prevention or control of conditions in industry hazardous to health.~~

(b) ~~Assist in the provision of a healthful working environment.~~

(2) ~~Scope. This chapter shall apply to all industry coming under the jurisdiction of the department of labor and indus-~~

~~tries.)~~ The rules in this chapter are designed to protect the health of employees and help to create a healthy work place by establishing requirements to control health hazards. Requirements for chemical hazard communication programs, workplace lighting levels and exposure records are in chapter 296-800 WAC, the safety and health core rules.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-050 Application for waiver or variances. See WAC ~~((296-24-010))~~ 296-350-700 Variance ((and procedure)) from WISHA rules.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07101 To whom does chapter 296-62 WAC, Part E apply? Chapter 296-62 WAC, Part E applies to all employers covered by WISHA. Other requirements for personal protective equipment (PPE) are found in ~~((chapter 296-24 WAC, Part A-2))~~ WAC 296-800-160.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07306 Requirements for areas containing carcinogens listed in WAC 296-62-07302. (1) A regulated area shall be established by an employer where listed carcinogens are manufactured, processed, used, repackaged, released, handled or stored.

(2) All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with carcinogens within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where carcinogens are stored in sealed containers, or contained in a closed system including piping systems with any sample ports or openings closed while carcinogens are contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in WAC 296-62-07304(12) are prohibited.

(d) Transfer from a closed system. Charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory-type hoods," or in locations where a carcinogen is contained in an otherwise "closed system," but is transferred, charged, or discharged into other

normally closed containers, the provisions of this section shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in handling operations involving the following carcinogens must be provided with and required to wear and use a full-face, supplied-air respirator, of the continuous flow or pressure-demand type as required in chapter 296-62 WAC, Part E:

- Methyl Chloromethyl Ether;
- bis-Chloromethyl Ether;
- Ethylenemine;
- beta-Propiolactone;
- 4-Amino Diphenyl.

(v) Employees engaged in handling operations involving:

- 4-nitrobiphenyl;
- alpha-naphthylamine;
- 4-4'methylene bis(2-chloroaniline);
- 3-3'dichlorobenzidine (and its salts);
- beta-naphthylamine;
- benzidine;
- 2-acetylamino fluorene;
- 4-dimethylaminobenzene;
- n-nitrosodimethylamine

must be provided with, and required to wear and use, a half-face, filter-type respirator certified for solid or liquid particulates with minimum efficiency rating of 95% as required in chapter 296-62 WAC, Part E. A respirator affording higher levels of protection than this respirator may be substituted.

(vi) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under WAC 296-62-07310 (2), (3) and (4).

(vii) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(viii) Employees shall be required to shower after the last exit of the day.

(ix) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In clean up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with carcinogens could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear, clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with ~~((chapter 296-24 WAC, the general safety and health standards))~~ WAC 296-800-160, and respiratory protective equipment required by this chapter 296-62 WAC;

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of carcinogens listed in WAC 296-62-07302.

(i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which carcinogens are handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of listed carcinogens shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be:

(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310 (2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310 (2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where carcinogens are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of the carcinogens shall be maintained.

(xii) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07308 General regulated area requirements. (1) Respirator program. The employer must implement a respiratory protection program as required in chapter 296-62 WAC, Part E (except WAC 296-62-07130 (1) and (5) and 296-62-07131).

(2) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (a), (b), (c), (d) and (e) of this subsection shall be implemented.

(a) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(b) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(c) Special medical surveillance by a physician shall be instituted within twenty-four hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with WAC 296-62-07312(2).

(d) Where an employee has a known contact with a listed carcinogen, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(e) An incident report on the emergency shall be reported as provided in WAC 296-62-07312(2).

(3) Hygiene facilities and practices.

(a) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics,

smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(b) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC ((296-24-12009, of the general safety and health standards)) 296-800-230.

(c) Where employees are required by this section to shower, shower facilities shall be provided.

(i) One shower shall be provided for each ten employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(ii) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the general safety and health standards.

(iii) Showers shall be provided with hot and cold water feeding a common discharge line.

(iv) Employees who use showers shall be provided with individual clean towels.

(d) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.

(e) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) Contamination control.

(a) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(b) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(c) Decontamination procedures shall be established and implemented to remove carcinogens from the surfaces of materials, equipment and the decontamination facility.

(d) Dry sweeping and dry mopping are prohibited.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07336 Acrylonitrile. (1) Scope and application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

(i) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

(ii) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne.

concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) Solid materials made from and/or containing AN which will not be heated above 170°F during handling, use, or processing.

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula $\text{CH}_2=\text{CHCN}$.

(b) "Action level" - a concentration of AN of 1 ppm as an eight-hour time-weighted average.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Decontamination" means treatment of materials and surfaces by water washdown, ventilation, or other means, to assure that the materials will not expose employees to airborne concentrations of AN above 1 ppm as an eight-hour time-weighted average.

(e) "Director" - the director of labor and industries, or his authorized representative.

(f) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(g) "Liquid AN" means AN monomer in liquid form, and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions, produced during the polymerization of AN.

(h) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two parts acrylonitrile per million parts of air (2 ppm), as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of 10 ppm as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies.

(a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the

following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee. The employer shall continue these quarterly measurements until at least two consecutive measurements taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may

result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infra-red gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas.

(a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance.

(a) Engineering and work practice controls.

(i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the

employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) The employer shall complete the steps set forth in the compliance program by the dates in the schedule.

(iv) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(v) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limits;

(iv) In emergencies.

(b) Respirator program.

The employer must implement a respiratory protection program in accordance with chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I
RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use		Respirator Type	
(a)	Less than or equal to 25 x permissible exposure limits.	(i)	Any Type C supplied air respirator.
(b)	Less than or equal to 100 x permissible exposure limits.	(i)	Any supplied air respirator with full facepiece; or
		(ii)	Any self-contained breathing apparatus with full facepiece.
(c)	Less than or equal to 250 x permissible exposure limits	(i)	Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.
(d)	Greater than 250 x permissible exposure limits.	(i)	Supplied air respirator with full facepiece and an auxiliary self-contained air supply, operated in pressure demand mode; or
		(ii)	Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e)	Emergency entry into unknown concentration or firefighting	(i)	Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f)	Escape.	(i)	Any organic vapor gas mask; or
		(ii)	Any self-contained breathing.

(9) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees.

(i) Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Employees not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC ((296-24-07501 and 296-24-07801)) 296-

800-160 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that impermeable protective clothing which contacts or is likely to have contacted liquid AN shall be decontaminated before being removed by the employee.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that an employee whose nonimpermeable clothing becomes wetted with liquid AN shall immediately remove that clothing and proceed to shower. The clothing shall be decontaminated before it is removed from the regulated area.

(v) The employer shall assure that no employee removes AN-or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(vi) The employer shall inform any person who launders or cleans AN-or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vii) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping.

(a) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(b) For operations involving liquid AN, the employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections.

(c) Where spills of liquid AN are detected, the employer shall assure that surfaces contacted by the liquid AN are decontaminated. Employees not engaged in decontamination activities shall leave the area of the spill, and shall not be permitted in the area until decontamination is completed.

(d) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(e) Surfaces.

(i) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where AN and PAN are found is prohibited.

(ii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system

PERMANENT

or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iii) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-24-12009 and 296-800-230 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-24-12011.

(b) Showers.

(i) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(iii) The employer shall assure that, in the event of skin or eye exposure to liquid AN, the affected employee shall shower immediately to minimize the danger of skin absorption.

(c) Lunchrooms.

(i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance.

(a) General.

(i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an

opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those non-specific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest x-ray.

(iv) Further tests of the intestinal tract, including fecal occult blood screening, and proctosigmoidoscopy, for all workers 40 years of age or older, and for any other affected employees for whom, in the opinion of the physician, such testing is appropriate.

(c) Periodic examinations.

(i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and test performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and

any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators and protective clothing;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping.

(a) Objective data for exempted operations.

(i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of AN;

(D) A description of the operation exempted and how the data supports the exemption; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of subsection (5)(f) of this section;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, social security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's medical and work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Records required by subdivisions (a) through (c) of this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Records required by subdivision (a) of this section shall be provided in the same manner as exposure monitoring records.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligation not otherwise imposed, or to detract from any obligation.

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-62-07338 Appendix B—Substance technical guidelines for acrylonitrile. (1) Physical and chemical data.

(a) Substance identification:

(i) Synonyms: AN; VCN; vinyl cyanide; propenenitrile; cyanoethylene; Acrylon; Carbacryl; Fumigrain; Ventox.

(ii) Formula: $\text{CH}_2=\text{CHCN}$.

(iii) Molecular weight: 53.1.

(b) Physical data:

(i) Boiling point (760 mm Hg): 77.3°C (171°F);

(ii) Specific gravity (water=1): 0.81 (at 20°C or 68°F);

(iii) Vapor density (air=1 at boiling point of acrylonitrile): 1.83;

(iv) Melting point: -83°C (-117°F);

(v) Vapor pressure (@20°F): 83 mm Hg;

(vi) Solubility in water, percent by weight @20°C (68°F): 7.35;

(vii) Evaporation rate (Butyl Acetate=1): 4.54; and

(viii) Appearance and odor: Colorless to pale yellow liquid with a pungent odor at concentrations above the permissible exposure level. Any detectable odor of acrylonitrile may indicate overexposure.

(2) Fire, explosion, and reactivity hazard data.

(a) Fire:

(i) Flash point: -1°C (30°F) (closed cup).

(ii) Autoignition temperature: 481°C (898°F).

(iii) Flammable limits air, percent by volume: Lower: 3, Upper: 17.

(iv) Extinguishing media: Alcohol foam, carbon dioxide, and dry chemical.

(v) Special fire-fighting procedures: Do not use a solid stream of water, since the stream will scatter and spread the fire. Use water to cool containers exposed to a fire.

(vi) Unusual fire and explosion hazards: Acrylonitrile is a flammable liquid. Its vapors can easily form explosive mix-

tures with air. All ignition sources must be controlled where acrylonitrile is handled, used, or stored in a manner that could create a potential fire or explosion hazard. Acrylonitrile vapors are heavier than air and may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which acrylonitrile is being handled.

(vii) For purposes of compliance with the requirements of WAC ((296-24-330)) 296-800-300, acrylonitrile is classified as a class IB flammable liquid. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-59207, acrylonitrile is classified as a Class B fire hazard.

(ix) For purpose of compliance with WAC 296-24-95613, locations classified as hazardous due to the presence of acrylonitrile shall be Class I, Group D.

(b) Reactivity:

(i) Conditions contributing to instability: Acrylonitrile will polymerize when hot, and the additional heat liberated by the polymerization may cause containers to explode. Pure AN may self-polymerize, with a rapid build-up of pressure, resulting in an explosion hazard. Inhibitors are added to the commercial product to prevent self-polymerization.

(ii) Incompatibilities: Contact with strong oxidizers (especially bromine) and strong bases may cause fires and explosions. Contact with copper, copper alloys, ammonia, and amines may start serious decomposition.

(iii) Hazardous decomposition products: Toxic gases and vapors (such as hydrogen cyanide, oxides of nitrogen, and carbon monoxide) may be released in a fire involving acrylonitrile and certain polymers made from acrylonitrile.

(iv) Special precautions: Liquid acrylonitrile will attack some forms of plastics, rubbers, and coatings.

(3) Spill, leak, and disposal procedures.

(a) If acrylonitrile is spilled or leaked, the following steps should be taken:

(i) Remove all ignition sources.

(ii) The area should be evacuated at once and re-entered only after the area has been thoroughly ventilated and washed down with water.

(iii) If liquid acrylonitrile or polymer intermediate, collect for reclamation or absorb in paper, vermiculite, dry sand, earth, or similar material, or wash down with water into process sewer system.

(b) Persons not wearing protective equipment should be restricted from areas of spills or leaks until clean-up has been completed.

(c) Waste disposal methods: Waste materials shall be disposed of in a manner that is not hazardous to employees or to the general population. Spills of acrylonitrile and flushing of such spills shall be channeled for appropriate treatment or collection for disposal. They shall not be channeled directly into the sanitary sewer system. In selecting the method of waste disposal, applicable local, state, and federal regulations should be consulted.

(4) Monitoring and measurement procedures.

(a) Exposure above the permissible exposure limit:

(i) Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this

section are best taken so that the average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

(ii) Ceiling evaluation: Measurements taken for the purpose of determining employee exposure under this section must be taken during periods of maximum expected airborne concentrations of acrylonitrile in the employee's breathing zone. A minimum of three measurements should be taken on one work shift. The average of all measurements taken is an estimate of the employee's ceiling exposure.

(iii) Monitoring techniques: The sampling and analysis under this section may be performed by collecting the acrylonitrile vapor on charcoal adsorption tubes or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as real-time continuous monitoring systems, portable direct-reading instruments, or passive dosimeters. Analysis of resultant samples should be by gas chromatograph.

(iv) Appendix D lists methods of sampling and analysis which have been tested by NIOSH and OSHA for use with acrylonitrile. NIOSH and OSHA have validated modifications of NIOSH Method S-156 (see Appendix D) under laboratory conditions for concentrations below 1 ppm. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his/her unique field conditions. The standard requires that methods of monitoring must be accurate, to a 95-percent confidence level, to ± 35 -percent for concentrations of AN at or above 2 ppm, and to ± 50 -percent for concentrations below 2 ppm. In addition to the methods described in Appendix D, there are numerous other methods available for monitoring for AN in the workplace. Details on these other methods have been submitted by various companies to the rulemaking record, and are available at the OSHA Docket Office.

(b) Since many of the duties relating to employee exposure are dependent on the results of monitoring and measuring procedures, employers shall assure that the evaluation of employee exposures is performed by a competent industrial hygienist or other technically qualified person.

(5) Protective clothing.

(a) Employees shall be provided with and required to wear appropriate protective clothing to prevent any possibility of skin contact with liquid AN. Because acrylonitrile is absorbed through the skin, it is important to prevent skin contact with liquid AN. Protective clothing shall include impermeable coveralls or similar full-body work clothing, gloves, head-coverings, as appropriate to protect areas of the body which may come in contact with liquid AN.

(b) Employers should ascertain that the protective garments are impermeable to acrylonitrile. Nonimpermeable clothing and shoes should not be allowed to become contaminated with liquid AN. If permeable clothing does become contaminated, it should be promptly removed, placed in a regulated area for removal of the AN, and not worn again until the AN is removed. If leather footwear or other leather garments become wet from acrylonitrile, they should be

replaced and not worn again, due to the ability of leather to absorb acrylonitrile and hold it against the skin. Since there is no pain associated with the blistering which may result from skin contact with liquid AN, it is essential that the employee be informed of this hazard so that he or she can be protected.

(c) Any protective clothing which has developed leaks or is otherwise found to be defective shall be repaired or replaced. Clean protective clothing shall be provided to the employee as necessary to assure its protectiveness. Whenever impervious clothing becomes wet with liquid AN, it shall be washed down with water before being removed by the employee. Employees are also required to wear splash-proof safety goggles where there is any possibility of acrylonitrile contacting the eyes.

(6) Housekeeping and hygiene facilities. For purposes of complying with WAC 296-24-120, 296-800-220 and 296-800-230, the following items should be emphasized:

(a) The workplace should be kept clean, orderly, and in a sanitary condition. The employer is required to institute a leak and spill detection program for operations involving liquid AN in order to detect sources of fugitive AN emissions.

(b) Dry sweeping and the use of compressed air is unsafe for the cleaning of floors and other surfaces where liquid AN may be found.

(c) Adequate washing facilities with hot and cold water are to be provided, and maintained in a sanitary condition. Suitable cleansing agents are also to be provided to assure the effective removal of acrylonitrile from the skin.

(d) Change or dressing rooms with individual clothes storage facilities must be provided to prevent the contamination of street clothes with acrylonitrile. Because of the hazardous nature of acrylonitrile, contaminated protective clothing should be placed in a regulated area designated by the employer for removal of the AN before the clothing is laundered or disposed of.

(7) Miscellaneous precautions.

(a) Store acrylonitrile in tightly-closed containers in a cool, well-ventilated area and take necessary precautions to avoid any explosion hazard.

(b) High exposures to acrylonitrile can occur when transferring the liquid from one container to another.

(c) Nonsparking tools must be used to open and close metal acrylonitrile containers. These containers must be effectively grounded and bonded prior to pouring.

(d) Never store uninhibited acrylonitrile.

(e) Acrylonitrile vapors are not inhibited.

They may form polymers and clog vents of storage tanks.

(f) Use of supplied-air suits or other impervious coverings may be necessary to prevent skin contact with and provide respiratory protection from acrylonitrile where the concentration of acrylonitrile is unknown or is above the ceiling limit. Supplied-air suits should be selected, used, and maintained under the immediate supervision of persons knowledgeable in the limitations and potential life-endangering characteristics of supplied-air suits.

(g) Employers shall advise employees of all areas and operations where exposure to acrylonitrile could occur.

(8) Common operations. Common operations in which exposure to acrylonitrile is likely to occur include the following: Manufacture of the acrylonitrile monomer; synthesis of

acrylic fibers, ABS, SAN, and nitrile barrier plastics and resins, nitrile rubber, surface coatings, specialty chemicals; use as a chemical intermediate; use as a fumigant; and in the cyanoethylation of cotton.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07342 1,2-Dibromo-3-chloropropane.

(1) Scope and application.

(a) This section applies to occupational exposure to 1,2-dibromo-3-chloropropane (DBCP).

(b) This section does not apply to:

(i) Exposure to DBCP which results solely from the application and use of DBCP as a pesticide; or

(ii) The storage, transportation, distribution or sale of DBCP in intact containers sealed in such a manner as to prevent exposure to DBCP vapors or liquids, except for the requirements of subsections (11), (16) and (17) of this section.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane, Chemical Abstracts Service Registry Number 96-12-8, and includes all forms of DBCP.

(c) "Director" - the director of labor and industries, or his authorized representative.

(d) "Emergency" - any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which may, or does, result in unexpected release of DBCP.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 5 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Regulated areas. The employer shall establish, within each place of employment, regulated areas wherever DBCP concentrations are in excess of the permissible exposure limit.

(a) The employer shall limit access to regulated areas to authorized persons.

(b) All employees entering or working in a regulated area shall wear respiratory protection in accordance with Table I.

(6) Exposure monitoring.

(a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (6) shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(7) Methods of compliance.

(a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to DBCP at or below the permissible exposure limit, except to the extent that the employer establishes that such controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to within the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by use of respiratory protection.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposure to DBCP to or below the permissible exposure limit solely by means of engineering and work practice controls as required by this section.

(ii) The written program shall include a detailed schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(8) Respiratory protection.

(a) General. For employees who are required to use respirators under this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement feasible engineering and work-practice controls;

(ii) Maintenance and repair activities for which engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limit;

(iv) Emergencies.

(b) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I
RESPIRATORY PROTECTION FOR DBCP

Concentration Not Greater Than	Respirator Type
(a) 10 ppb:	(i) Any supplied-air respirator. (ii) Any self-contained breathing apparatus.
(b) 50 ppb:	(i) Any supplied-air respirator with full facepiece, helmet or hood. (ii) Any self-contained breathing apparatus with full facepiece.
(c) 250 ppb:	(i) A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.
(d) 500 ppb:	(i) A Type C supplied-air respirator with full facepiece operated in pressure-demand mode with full facepiece.
(e) Greater than 500 ppb or entry into unknown concentrations:	(i) A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand mode and an auxiliary self-contained breathing apparatus. (ii) A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.
(f) Firefighting:	(i) A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.

- (9) Reserved.
- (10) Emergency situations.
- (a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace in which DBCP is present.

(ii) Appropriate portions of the plan shall be implemented in the event of an emergency.

(b) Employees engaged in correcting conditions shall be equipped as required in subsection (11) of this section until the emergency is abated.

(c) Evacuation. Employees not engaged in correcting the emergency shall be removed and restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(d) Alerting employees. Where there is a possibility of employee exposure to DBCP due to the occurrence of an

emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(e) Medical surveillance. For any employee exposed to DBCP in an emergency situation, the employer shall provide medical surveillance in accordance with subsection (14) of this section.

(f) Exposure monitoring.

(i) Following an emergency, the employer shall conduct monitoring which complies with subsection (6) of this section.

(ii) In workplaces not normally subject to periodic monitoring, the employer may terminate monitoring when two consecutive measurements indicate exposures below the permissible exposure limit.

(11) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC ((~~296-24-07501 and 296-24-07801~~) 296-800-160) to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) Removal and storage.

(A) The employer shall assure that employees remove DBCP contaminated work clothing only in change rooms provided in accordance with subsection (13) of this section.

(B) The employer shall assure that employees promptly remove any protective clothing and equipment which becomes contaminated with DBCP-containing liquids and solids. This clothing shall not be reworn until the DBCP has been removed from the clothing or equipment.

(C) The employer shall assure that no employee takes DBCP contaminated protective devices and work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(12) Housekeeping.

(a) Surfaces.

(i) All surfaces shall be maintained free of accumulations of DBCP.

PERMANENT

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with subsections (8), (9) and (11) of this section.

(b) Showers.

(i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall assure that employees whose skin becomes contaminated with DBCP-containing liquids or solids immediately wash or shower to remove any DBCP from the skin.

(iii) The employer shall provide shower facilities in accordance with WAC 296-24-12009 (3)(c).

(c) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(d) Lavatories.

(i) The employer shall assure that employees working in the regulated area remove protective clothing and wash their hands and face prior to eating.

(ii) The employer shall provide a sufficient number of lavatory facilities which comply with WAC ((296-24-12009 (1) and (2))) 296-800-230.

(e) Prohibition of activities in regulated areas. The employer shall assure that, in regulated areas, food or beverages are not present or consumed, smoking products and implements are not present or used, and cosmetics are not present or applied.

(14) Medical surveillance.

(a) General. The employer shall institute a program of medical surveillance for each employee who is or will be

exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. At the time of initial assignment, annually thereafter, and whenever exposure to DBCP occurs, the employer shall provide a medical examination for employees who work in regulated areas, which includes at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genito-urinary tract, testicle size, and body habitus including the following tests:

(A) Sperm count;

(B) Complete urinalysis (U/A);

(C) Complete blood count; and

(D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made by radioimmunoassay techniques utilizing National Institutes of Health (NIH) specific antigen or one of equivalent sensitivity:

(A) Serum multiphasic analysis (SMA 12);

(B) Serum follicle stimulating hormone (FSH);

(C) Serum luteinizing hormone (LH); and

(D) Serum estrogen (females).

(iv) Any other tests deemed appropriate by the examining physician.

(c) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to DBCP, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(e) Physician's written opinion.

(i) For each examination under this section, the employer shall obtain and provide the employee with a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee was informed by the physician of the results of the medical examination, and any

medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(f) Emergency situations. If the employee is exposed to DBCP in an emergency situation, the employer shall provide the employee with a sperm count test as soon as practicable, or, if the employee is unable to produce a semen specimen, the hormone tests contained in subsection (14)(b) of this section. The employer shall provide these same tests three months later.

(15) Employee information and training.

(a) Training program.

(i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) The purpose and description of the medical surveillance program required by subsection (14) of this section; and

(E) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (6) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, Social Security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (14) of this section.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the physician's written opinion;

(C) Any employee medical complaints related to exposure to DBCP;

(D) A copy of the information provided the physician as required by subsection (14)(c) of this section; and

(E) A copy of the employee's medical and work history.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records and employee medical records required by this subsection shall be provided upon request to employees' designated representatives and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209; and 296-62-05213 through 296-62-05217.

(d) Transfer of records.

(i) If the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section for the prescribed period.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the director.

(iii) At the expiration of the retention period for the records required to be maintained under this section, the employer shall transmit these records by mail to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (6) of this section.

(b) Observation procedures.

(i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-62-07347 Inorganic arsenic. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not

apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

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

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air ($10 \mu\text{g}/\text{m}^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) Within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his/her workplaces shall report in writing to the department of labor and industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the department of labor and industries.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be

repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement.

(i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to 10 $\mu\text{g}/\text{m}^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than 5 $\mu\text{g}/\text{m}^3$ but less than 10 $\mu\text{g}/\text{m}^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(c) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls.

(i) The employer shall institute engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement feasible engineering or work-practice controls;

(ii) Work operations, such as maintenance and repair activities, in which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which engineering work-practice controls are not yet sufficient to reduce employee exposures to or below the permissible exposure limit;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(ii) If an employee exhibits breathing difficulty during fit testing or respirator use, they must be examined by a physician trained in pulmonary medicine to determine whether they can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must use Table I of this section to select the appropriate respirator or combination of respirators for inorganic arsenic compounds without significant vapor pressure, and Table II of this section to select the appropriate respirator or combination of respirators for inorganic arsenic compounds that have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for other gases (for example, sulfur dioxide), any air-purifying respirator provided to the employee as specified by this section must have a combination high-efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

(iii) Employees required to use respirators may choose, and the employer must provide, a powered air-purifying respirator if it will provide proper protection. In addition, the employer must provide a combination dust and acid-gas respirator to employees who are exposed to gases over the relevant exposure limits.

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) firefighting.	(A) Any full facepiece self-contained or breathing apparatus operated in positive pressure mode.

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters. ¹ (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask air-purifying respirator equipped with high-efficiency filter. ¹ (B) Any half-mask supplied air respirator.

¹High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE² AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3) or firefighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.

PERMANENT

Concentration of Inorganic Arsenic (as As) or Condition of Use

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(ii) Not greater than 20,000 $\mu\text{g}/\text{m}^3$ (20 mg/m^3)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 $\mu\text{g}/\text{m}^3$ (10 mg/m^3)	(A) Half-mask ² supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 $\mu\text{g}/\text{m}^3$	(A) Front or back mounted gas mask equipped with high-efficiency filter ¹ and acid gas canister.
	(B) Any full facepiece supplied air respirator.
	(C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 $\mu\text{g}/\text{m}^3$	(A) Half-mask ² air-purifying respirator equipped with high-efficiency filter ¹ and acid gas cartridge.
	(B) Any half-mask supplied air respirator.

¹High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

²Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(9) **Reserved.**

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, and shoes or coverlets;
- (iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC ((296-24-07801 (1)-(6))) 296-800-160.
- (iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100

$\mu\text{g}/\text{m}^3$ of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful effects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

Caution: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) **Reserved.**

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street

PERMANENT

clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-24-12011.

(b) Showers.

(i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009(3).

(c) Lunchrooms.

(i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC ((296-24-12009(1) and (2)) 296-800-230.

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 $\mu\text{g}/\text{m}^3$ to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance.

(a) General.

(i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. For employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest x-ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination; and

(C) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations.

(i) The employer shall provide the examinations specified in subsection (14)(b)(i) and (ii)(A), (B) and (C) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section at least semi-annually, and the x-ray requirements specified in subsection (14)(b)(ii)(A) of this section at least annually, for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which

contradicts or detracts from the meaning of the required sign or label.

(b) Signs.

(i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR
SWALLOWED
USE ONLY WITH ADEQUATE
VENTILATION
OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) Name, Social Security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial x-ray;

(D) The x-rays for the most recent five years; and

(E) Any x-rays with a demonstrated abnormality and all subsequent x-rays.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) Records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior

to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07367 Respiratory protection and personal protective equipment. (1) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of WAC 296-62-07355 through 296-62-07389. Respirators must be used during:

(a) Periods necessary to install or implement feasible engineering and work-practice controls;

(b) Work operations, such as maintenance and repair activities, vessel cleaning, or other activities, for which engineering and work-practice controls are not feasible;

(c) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the TWA or excursion limit;

(d) Emergencies.

(2) Respirator program. The employer must establish, implement, and maintain a respiratory protection program as required in chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(3) Respirator selection. The employer must select the appropriate respirator from Table 1 of this section.

**Table 1.—Minimum Requirements
for Respiratory Protection for Airborne EtO**

Condition of use or concentration of airborne EtO (ppm)	Minimum required respirator
Equal to or less than 50	(a) Full facepiece respirator with EtO approved canister, front- or back-mounted.
Equal to or less than 2,000	(a) Positive-pressure supplied air respirator, equipped with full facepiece, hood or helmet, or (b) Continuous-flow supplied air respirator (positive pressure) equipped with hood, helmet or suit.
Concentration above 2,000 or unknown concentration (such as in emergencies)	(a) Positive-pressure self-contained breathing apparatus (SCBA), equipped with full facepiece, or (b) Positive-pressure full facepiece supplied air respirator equipped with an auxiliary positive-pressure self-contained breathing apparatus.
Firefighting	(a) Positive pressure self-contained breathing apparatus equipped with full facepiece.
Escape	(a) Any respirator described above.

Note: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations.

(4) Protective clothing and equipment. Where employees could have eye or skin contact with EtO or EtO solutions, the employer must select and provide, at no cost to the employee, appropriate protective clothing or other equipment in accordance with ((chapter 296-24 WAC, Part A-2)) WAC 296-800-160, and to protect any area of the body that may come in contact with liquid EtO or EtO in solution, and must ensure that the employee wears the protective clothing and equipment provided.

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

WAC 296-62-07373 Communication of EtO hazards to employees. (1) Signs and labels.

(a) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas that bear the following legend:

DANGER
ETHYLENE OXIDE
CANCER HAZARD AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE REQUIRED
TO BE WORN IN THIS AREA

(b) The employer shall ensure that precautionary labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level or whose contents may reasonably be foreseen to cause employee exposure above the excursion limit, and that the labels remain affixed when the containers of EtO leave the workplace. For the purpose of this subsection, reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers. The labels shall comply with the requirements of WAC ((296-62-05411)) 296-800-170 of WISHA's chemical hazard communication standard, and shall include the following legend:

(i)

DANGER
CONTAINS ETHYLENE OXIDE
CANCER HAZARD AND REPRODUCTIVE HAZARD; and

(ii) A warning statement against breathing airborne concentrations of EtO.

(c) The labeling requirements under WAC 296-62-07355 through 296-62-07389 do not apply where EtO is used as a pesticide, as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when it is labeled pursuant to that act and regulations issued under that act by the Environmental Protection Agency.

(2) Material safety data sheets. Employers who are manufacturers or importers of EtO shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413 of the hazard communication standard.

(3) Information and training.

(a) The employer shall provide employees who are potentially exposed to EtO at or above the action level or above the excursion limit with information and training on EtO at the time of initial assignment and at least annually thereafter.

(b) Employees shall be informed of the following:

(i) The requirements of WAC 296-62-07353 through 296-62-07389 with an explanation of its contents, including Appendices A and B;

(ii) Any operations in their work area where EtO is present;

(iii) The location and availability of the written EtO final rule; and

(iv) The medical surveillance program required by WAC 296-62-07371 with an explanation of the information in Appendix C.

(c) Employee training shall include at least:

(i) Methods and observations that may be used to detect the presence or release of EtO in the work area (such as mon-

PERMANENT

itoring conducted by the employer, continuous monitoring devices, etc.);

(ii) The physical and health hazards of EtO;

(iii) The measures employees can take to protect themselves from hazards associated with EtO exposure, including specific procedures the employer has implemented to protect employees from exposure to EtO, such as work practices, emergency procedures, and personal protective equipment to be used; and

(iv) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and how employees can obtain and use the appropriate hazard information.

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

WAC 296-62-07385 Appendix B—Substance technical guidelines for ethylene oxide (nonmandatory). (1) Physical and chemical data:

(a) Substance identification:

(i) Synonyms: Dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

(ii) Formula: (C₂H₄O).

(iii) Molecular weight: 44.06.

(b) Physical data:

(i) Boiling point (760 mm Hg): 10.70°C (51.3°F);

(ii) Specific gravity (water= 1): 0.87 (at 20°C or 68°F);

(iii) Vapor density (air= 1): 1.49;

(iv) Vapor pressure (at 20°C): 1,095 mm Hg;

(v) Solubility in water: Complete;

(vi) Appearance and odor: Colorless liquid; gas at temperature above 10.7°F or 51.3°C with ether-like odor above 700 ppm.

(2) Fire, explosion, and reactivity hazard data:

(a) Fire:

(i) Flash point; Less than 0°F (open cup);

(ii) Stability: Decomposes violently at temperatures above 800°F;

(iii) Flammable limits in air, percent by volume: Lower: 3, Upper: 100;

(iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires;

(v) Special fire fighting procedures: Dilution of ethylene oxide with 23 volumes of water renders it nonflammable;

(vi) Unusual fire and explosion hazards: Vapors of EtO will burn without the presence of air or other oxidizers. EtO vapors are heavier than air and may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which EtO is being used.

(vii) For purposes of compliance with the requirements of WAC 296-24-330, EtO is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-585, EtO is classified as a Class B fire hazard.

(ix) For purpose of compliance with chapter 296-24 WAC Part L, and WAC 296-800-280, locations classified as hazardous due to the presence of EtO shall be Class I.

(b) Reactivity:

(i) Conditions contributing to instability: EtO will polymerize violently if contaminated with aqueous alkalis, amines, mineral acids, metal chlorides, or metal oxides. Violent decomposition will also occur at temperatures above 800°F;

(ii) Incompatibilities: Alkalines and acids;

(iii) Hazardous decomposition products: Carbon monoxide and carbon dioxide.

(3) Spill, leak, and disposal procedures:

(a) If EtO is spilled or leaked, the following steps should be taken:

(i) Remove all ignition sources.

(ii) The area should be evacuated at once and re-entered only after the area has been thoroughly ventilated and washed down with water.

(b) Persons not wearing appropriate protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

(c) Waste disposal method: Waste material should be disposed of in a manner that is not hazardous to employees or to the general population. In selecting the method of waste disposal, applicable local, state, and federal regulations should be consulted.

(4) Monitoring and measurement procedures:

(a) Exposure above the permissible exposure limit:

(i) Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this section are best taken with consecutive samples covering the full shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee.)

(ii) Monitoring techniques: The sampling and analysis under this section may be performed by collection of the EtO vapor on charcoal adsorption tubes or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as real time continuous monitoring systems, portable direct reading instruments, or passive dosimeters as long as measurements taken using these methods accurately evaluate the concentration of EtO in employees' breathing zones.

(iii) Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with EtO. Other available methods are also described in Appendix D. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his/her unique field conditions. The standard requires that the method of monitoring should be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of EtO at 1 ppm, and to plus or minus 35 percent for concentrations at 0.5 ppm. In addition to the method described in Appendix D, there are numerous other methods available for monitoring for EtO in the workplace. Details on these other methods have been submitted by various companies to the rulemaking record, and are available at the OSHA Docket Office.

(b) Since many of the duties relating to employee exposure are dependent on the results of measurement procedures, employers should assure that the evaluation of employee exposures is performed by a technically qualified person.

(5) Protective clothing and equipment:

(a) Employees should be provided with and be required to wear appropriate protective clothing wherever there is significant potential for skin contact with liquid EtO or EtO-containing solutions. Protective clothing shall include impermeable coveralls or similar full-body work clothing, gloves, and head coverings, as appropriate to protect areas of the body which may come in contact with liquid EtO or EtO-containing solutions.

(b) Employers should ascertain that the protective garments are impermeable to EtO. Permeable clothing, including items made of rubber, and leather shoes should not be allowed to become contaminated with liquid EtO. If permeable clothing does become contaminated, it should be immediately removed, while the employer is under an emergency deluge shower. If leather footwear or other leather garments become wet from EtO they should be discarded and not be worn again, because leather absorbs EtO and holds it against the skin.

(c) Any protective clothing that has been damaged or is otherwise found to be defective should be repaired or replaced. Clean protective clothing should be provided to the employee as necessary to assure employee protection. Whenever impermeable clothing becomes wet with liquid EtO, it should be washed down with water before being removed by the employee. Employees are also required to wear splash-proof safety goggles where there is any possibility of EtO contacting the eyes.

(6) Miscellaneous precautions:

(a) Store EtO in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

(b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded and bonded.

(c) Do not incinerate EtO cartridges, tanks or other containers.

(d) Employers should advise employees of all areas and operations where exposure to EtO occurs.

(7) Common operations:

Common operations in which exposure to EtO is likely to occur include the following: (a) Manufacture of EtO, (b) surfactants, (c) ethanolamines, (d) glycol ethers, (e) specialty chemicals, and (f) use as a sterilant in the hospital, health product and spice industries.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-62-07417 Protective work clothing and equipment. (1) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee

and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

(a) Coveralls or similar full-body work clothing;

(b) Gloves, head coverings, and boots or foot coverings; and

(c) Face shields, vented goggles, or other appropriate protective equipment that complies with (~~chapter 296-24 WAC, Part A-2~~) WAC 296-800-160.

(2) Removal and storage.

(a) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with WAC 296-62-07419(1).

(b) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(c) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(d) The employer shall assure that bags or containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance, or disposal shall bear labels in accordance with WAC 296-62-07425(3).

(3) Cleaning, replacement, and disposal.

(a) The employer shall provide the protective clothing and equipment required by subsection (1) of this section in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this paragraph to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(b) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(c) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(d) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in WAC 296-62-07405.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

AMENDATORY SECTION (Amending Order 93-01, filed 3/13/93, effective 4/27/93)

WAC 296-62-07419 Hygiene areas and practices. (1) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-24-120 and 296-800-230.

(2) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(3) Showers and handwashing facilities.

(a) The employer shall assure that employees who are exposed to cadmium above the PEL shower during the end of the work shift.

(b) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(4) Lunchroom facilities.

(a) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(b) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07425 Communication of cadmium hazards to employees. (1) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Chemical Hazard Communication Standard, (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(2) Warning signs.

(a) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) Warning signs required by (a) of this subsection shall bear the following information:

DANGER CADMIUM CANCER HAZARD CAN CAUSE LUNG AND KIDNEY DISEASE AUTHORIZED PERSONNEL ONLY RESPIRATORS REQUIRED IN THIS AREA

(c) The employer shall assure that signs required by this subsection are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(3) Warning labels.

(a) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (b) of this subsection.

(b) The warning labels shall include at least the following information:

DANGER CONTAINS CADMIUM CANCER HAZARD AVOID CREATING DUST CAN CAUSE LUNG AND KIDNEY DISEASE

(c) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(4) Employee information and training.

(a) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(b) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(c) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(i) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, Appendix A;

(ii) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(iii) The engineering controls and work practices associated with the employee's job assignment;

(iv) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(v) The purpose, proper selection, fitting, proper use, and limitations of protective clothing;

(vi) The purpose and a description of the medical surveillance program required by WAC 296-62-07423;

(vii) The contents of this section and its appendices;

(viii) The employee's rights of access to records under WAC 296-62-05213 and 296-800-170; and

(ix) The purpose, proper use, limitations, and other training requirements for respiratory protection as required in chapter 296-62 WAC, Part E.

(d) Additional access to information and training program and materials.

PERMANENT

(i) The employer shall make a copy of this section and its appendices readily available without cost to all affected employees and shall provide a copy if requested.

(ii) The employer shall provide to the director, upon request, all materials relating to the employee information and the training program.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07460 Butadiene. (1) Scope and application.

(a) This section applies to all occupational exposures to 1,3-Butadiene (BD), Chemical Abstracts Service Registry No. 106-99-0, except as provided in (b) of this subsection.

(b)(i) Except for the recordkeeping provisions in subsection (13)(a) of this section, this section does not apply to the processing, use, or handling of products containing BD or to other work operations and streams in which BD is present where objective data are reasonably relied upon that demonstrate the work operation or the product or the group of products or operations to which it belongs may not reasonably be foreseen to release BD in airborne concentrations at or above the action level or in excess of the STEL under the expected conditions of processing, use, or handling that will cause the greatest possible release or in any plausible accident.

(ii) This section also does not apply to work operations, products or streams where the only exposure to BD is from liquid mixtures containing 0.1% or less of BD by volume or the vapors released from such liquids, unless objective data become available that show that airborne concentrations generated by such mixtures can exceed the action level or STEL under reasonably predictable conditions of processing, use or handling that will cause the greatest possible release.

(iii) Except for labeling requirements and requirements for emergency response, this section does not apply to the storage, transportation, distribution or sale of BD or liquid mixtures in intact containers or in transportation pipelines sealed in such a manner as to fully contain BD vapors or liquids.

(c) Where products or processes containing BD are exempted under (b) of this subsection, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in subsection (13)(a) of this section.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

"Action level" means a concentration of airborne BD of 0.5 ppm calculated as an 8-hour time-weighted average.

"Director" means the director of the department of labor and industries, or authorized representatives.

"Authorized person" means any person specifically designated by the employer, whose duties require entrance into a regulated area, or a person entering such an area as a designated representative of employees to exercise the right to observe monitoring and measuring procedures under subsection (4)(h) of this section, or a person designated under the WISH Act or regulations issued under the WISH Act to enter a regulated area.

"1,3-Butadiene" means an organic compound with chemical formula $\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$ that has a molecular weight of approximately 54.15 gm/mole.

"Business day" means any Monday through Friday, except those days designated as federal, state, local or company specific holidays.

"Complete blood count (CBC)" means laboratory tests performed on whole blood specimens and includes the following: White blood cell count (WBC), hematocrit (Hct), red blood cell count (RBC), hemoglobin (Hgb), differential count of white blood cells, red blood cell morphology, red blood cell indices, and platelet count.

"Day" means any part of a calendar day.

"Emergency situation" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of BD.

"Employee exposure" means exposure of a worker to airborne concentrations of BD which would occur if the employee were not using respiratory protective equipment.

"Objective data" means monitoring data, or mathematical modelling or calculations based on composition, chemical and physical properties of a material, stream or product.

"Permissible exposure limits (PELs)" means either the 8-hour time-weighted average (8-hr TWA) exposure or the short-term exposure limit (STEL).

"Physician or other licensed health care professional" is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide one or more of the specific health care services required by (k) of this subsection.

"Regulated area" means any area where airborne concentrations of BD exceed or can reasonably be expected to exceed the 8-hour time-weighted average (8-hr TWA) exposure of 1 ppm or the short-term exposure limit (STEL) of 5 ppm for 15 minutes.

"This section" means this 1,3-butadiene standard.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average (TWA) limit. The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of one part BD per million parts of air (ppm) measured as an eight (8)-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of five parts of BD per million parts of air (5 ppm) as determined over a sampling period of fifteen minutes.

(4) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the 8-hour TWA and 15-minute short-term exposures of each employee.

(ii) Representative 8-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for each shift and for each job classification in each work area.

(iii) Representative 15-minute short-term employee exposures shall be determined on the basis of one or more samples representing 15-minute exposures associated with operations that are most likely to produce exposures above the STEL for each shift and for each job classification in each work area.

(iv) Except for the initial monitoring required under (b) of this subsection, where the employer can document that exposure levels are equivalent for similar operations on different work shifts, the employer need only determine representative employee exposure for that operation from the shift during which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this section, shall perform initial monitoring to determine accurately the airborne concentrations of BD to which employees may be exposed, or shall rely on objective data pursuant to subsection (1)(b)(i) of this section to fulfill this requirement.

(ii) Where the employer has monitored within two years prior to the effective date of this section and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection, provided that the conditions under which the initial monitoring was conducted have not changed in a manner that may result in new or additional exposures.

(c) Periodic monitoring and its frequency.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be at or above the action level but at or below both the 8-hour TWA limit and the STEL, the employer shall repeat the representative monitoring required by (a) of this subsection every twelve months.

(ii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the 8-hour TWA limit, the employer shall repeat the representative monitoring required by (a)(ii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the STEL, the employer shall repeat the representative monitoring required by (a)(iii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iv) The employer may alter the monitoring schedule from every six months to annually for any required representative monitoring for which two consecutive measurements taken at least 7 days apart indicate that employee exposure has decreased to or below the 8-hour TWA, but is at or above the action level.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be below the action level and at or below the STEL, the employer may discontinue the monitoring for employees whose exposures are represented by the initial monitoring.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least 7 days apart, are below the action level and at or below the STEL, the employer may discontinue the monitoring for those employees who are represented by such monitoring.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under subsection (4) of this section whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to BD or when the employer has any reason to suspect that a change may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure above the 8-hr TWA limit or above the STEL, the employer shall monitor (using leak source, such as direct reading instruments, area or personal monitoring), after the cleanup of the spill or repair of the leak, rupture or other breakdown, to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring.

Monitoring shall be accurate, at a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of BD at or above the 1 ppm TWA limit and to within plus or minus 35 percent for airborne concentrations of BD at or above the action level of 0.5 ppm and below the 1 ppm TWA limit.

(g) Employee notification of monitoring results.

(i) The employer shall, within 5 business days after the receipt of the results of any monitoring performed under this section, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) The employer shall, within 15 business days after receipt of any monitoring performed under this section indicating the 8-hour TWA or STEL has been exceeded, provide the affected employees, in writing, with information on the corrective action being taken by the employer to reduce employee exposure to or below the 8-hour TWA or STEL and the schedule for completion of this action.

(h) Observation of monitoring.

(i) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to BD conducted in accordance with this section.

(ii) Observation procedures. When observation of the monitoring of employee exposure to BD requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer at no cost with protective clothing and equipment, and shall ensure that the observer uses this equipment and complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish a regulated area whenever occupational exposures to airborne concentrations of BD exceed or can reasonably be expected to exceed the permissible exposure limits, either the 8-hr TWA or the STEL.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be demarcated from the rest of the workplace in any manner that minimizes the number of employees exposed to BD within the regulated area.

(d) An employer at a multiemployer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite whose employees may have access to these areas.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the PELs, except to the extent that the employer can establish that these controls are not feasible or where subsection (8)(a)(i) of this section applies.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-hour TWA or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (8) of this section.

(b) Compliance plan.

(i) Where any exposures are over the PELs, the employer shall establish and implement a written plan to reduce employee exposure to or below the PELs primarily by means of engineering and work practice controls, as required by (a) of this subsection, and by the use of respiratory protection where required or permitted under this section. No compliance plan is required if all exposures are under the PELs.

(ii) The written compliance plan shall include a schedule for the development and implementation of the engineering controls and work practice controls including periodic leak detection surveys.

(iii) Copies of the compliance plan required in (b) of this subsection shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every 12 months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(iv) The employer shall not implement a schedule of employee rotation as a means of compliance with the PELs.

(7) Exposure goal program.

(a) For those operations and job classifications where employee exposures are greater than the action level, in addition to compliance with the PELs, the employer shall have an exposure goal program that is intended to limit employee exposures to below the action level during normal operations.

(b) Written plans for the exposure goal program shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives.

(c) Such plans shall be updated as necessary to reflect significant changes in the status of the exposure goal program.

(d) Respirator use is not required in the exposure goal program.

(e) The exposure goal program shall include the following items unless the employer can demonstrate that the item is not feasible, will have no significant effect in reducing employee exposures, or is not necessary to achieve exposures below the action level:

(i) A leak prevention, detection, and repair program.

(ii) A program for maintaining the effectiveness of local exhaust ventilation systems.

(iii) The use of pump exposure control technology such as, but not limited to, mechanical double-sealed or seal-less pumps.

(iv) Gauging devices designed to limit employee exposure, such as magnetic gauges on rail cars.

(v) Unloading devices designed to limit employee exposure, such as a vapor return system.

(vi) A program to maintain BD concentration below the action level in control rooms by use of engineering controls.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Nonroutine work operations that are performed infrequently and for which exposures are limited in duration;

(iii) Work operations for which feasible engineering controls and work-practice controls are not yet sufficient to reduce employee exposures to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii), and 296-62-07150 through 296-62-07156).

(ii) If air-purifying respirators are used, the employer must replace the air-purifying filter elements according to the replacement schedule set for the class of respirators listed in Table 1 of this section, and at the beginning of each work shift.

(iii) Instead of using the replacement schedule listed in Table 1 of this section, the employer may replace cartridges or canisters at 90% of their expiration service life, provided the employer:

(A) Demonstrates that employees will be adequately protected by this procedure;

(B) Uses BD breakthrough data for this purpose that have been derived from tests conducted under worst-case conditions of humidity, temperature, and air-flow rate through the filter element, and the employer also describes the data supporting the cartridge- or canister-change schedule, as well as the basis for using the data in the employer's respirator program.

(iv) A label must be attached to each filter element to indicate the date and time it is first installed on the respirator.

(v) If NIOSH approves an end-of-service-life indicator (ESLI) for an air-purifying filter element, the element may be used until the ESLI shows no further useful service life or until the element is replaced at the beginning of the next work shift, whichever occurs first.

(vi) Regardless of the air-purifying element used, if an employee detects the odor of BD, the employer must replace the air-purifying element immediately.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 5 ppm (5 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 4 hours.
Less than or equal to 10 ppm (10 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 3 hours.
Less than or equal to 25 ppm (25 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 2 hours. (b) Any powered air-purifying respirator equipped with approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 2 hours. (c) Continuous flow supplied air respirator equipped with a hood or helmet.
Less than or equal to 50 ppm (50 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 1 hour.

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 1,000 ppm (1,000 times PEL)	(b) Powered air purifying respirator equipped with a tight-fitting facepiece and an approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 1 hour. (a) Supplied air respirator equipped with a half mask or full facepiece and operated in a pressure demand or other positive pressure mode.
Greater than 1,000 ppm	(a) Self-contained breathing unknown concentration, or apparatus equipped with a fire fighting full facepiece and operated in a pressure demand or other positive pressure mode. (b) Any supplied air respirator equipped with a full facepiece and operated in a pressure demand or other positive pressure mode in combination with an auxiliary self-contained breathing apparatus operated in a pressure demand or other positive pressure mode.
Escape from IDLH Conditions	(a) Any positive pressure self-contained breathing apparatus with an appropriate service life. (b) Any air-purifying full facepiece respirator equipped with a front or back mounted BD or organic vapor canister.

Notes: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations. Full facepiece is required when eye irritation is anticipated.

(ii) Air-purifying respirators must have filter elements certified by NIOSH for organic vapor or BD.

(iii) When an employee whose job requires the use of a respirator cannot use a negative-pressure respirator, the employer must provide the employee with a respirator that has less breathing resistance than the negative-pressure respirator, such as a powered air-purifying respirator or supplied-air respirator, when the employee is able to use it and if it provides the employee adequate protection.

PERMANENT

(9) Protective clothing and equipment. Where appropriate to prevent eye contact and limit dermal exposure to BD, the employer shall provide protective clothing and equipment at no cost to the employee and shall ensure its use. Eye and face protection shall meet the requirements of WAC ((296-24-078)) 296-800-160.

(10) Emergency situations. Written plan. A written plan for emergency situations shall be developed, or an existing plan shall be modified, to contain the applicable elements specified in WAC 296-24-567, Employee emergency plans and fire prevention plans, and in WAC 296-62-3112, hazardous waste operations and emergency responses, for each workplace where there is a possibility of an emergency.

(11) Medical screening and surveillance.

(a) Employees covered. The employer shall institute a medical screening and surveillance program as specified in this subsection for:

(i) Each employee with exposure to BD at concentrations at or above the action level on 30 or more days or for employees who have or may have exposure to BD at or above the PELs on 10 or more days a year;

(ii) Employers (including successor owners) shall continue to provide medical screening and surveillance for employees, even after transfer to a non-BD exposed job and regardless of when the employee is transferred, whose work histories suggest exposure to BD:

(A) At or above the PELs on 30 or more days a year for 10 or more years;

(B) At or above the action level on 60 or more days a year for 10 or more years; or

(C) Above 10 ppm on 30 or more days in any past year; and

(iii) Each employee exposed to BD following an emergency situation.

(b) Program administration.

(i) The employer shall ensure that the health questionnaire, physical examination and medical procedures are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(ii) Physical examinations, health questionnaires, and medical procedures shall be performed or administered by a physician or other licensed health care professional.

(iii) Laboratory tests shall be conducted by an accredited laboratory.

(c) Frequency of medical screening activities. The employer shall make medical screening available on the following schedule:

(i) For each employee covered under (a)(i) and (ii) of this subsection, a health questionnaire and complete blood count (CBC) with differential and platelet count every year, and a physical examination as specified below:

(A) An initial physical examination that meets the requirements of this rule, if twelve months or more have elapsed since the last physical examination conducted as part of a medical screening program for BD exposure;

(B) Before assumption of duties by the employee in a job with BD exposure;

(C) Every 3 years after the initial physical examination;

(D) At the discretion of the physician or other licensed health care professional reviewing the annual health questionnaire and CBC;

(E) At the time of employee reassignment to an area where exposure to BD is below the action level, if the employee's past exposure history does not meet the criteria of (a)(ii) of this subsection for continued coverage in the screening and surveillance program, and if twelve months or more have elapsed since the last physical examination; and

(F) At termination of employment if twelve months or more have elapsed since the last physical examination.

(ii) Following an emergency situation, medical screening shall be conducted as quickly as possible, but not later than 48 hours after the exposure.

(iii) For each employee who must wear a respirator, physical ability to perform the work and use the respirator must be determined as required by WAC 296-62-071.

(d) Content of medical screening.

(i) Medical screening for employees covered by (a)(i) and (ii) of this subsection shall include:

(A) A baseline health questionnaire that includes a comprehensive occupational and health history and is updated annually. Particular emphasis shall be placed on the hematopoietic and reticuloendothelial systems, including exposure to chemicals, in addition to BD, that may have an adverse effect on these systems, the presence of signs and symptoms that might be related to disorders of these systems, and any other information determined by the examining physician or other licensed health care professional to be necessary to evaluate whether the employee is at increased risk of material impairment of health from BD exposure. Health questionnaires shall consist of the sample forms in Appendix C to this section, or be equivalent to those samples;

(B) A complete physical examination, with special emphasis on the liver, spleen, lymph nodes, and skin;

(C) A CBC; and

(D) Any other test which the examining physician or other licensed health care professional deems necessary to evaluate whether the employee may be at increased risk from exposure to BD.

(ii) Medical screening for employees exposed to BD in an emergency situation shall focus on the acute effects of BD exposure and at a minimum include: A CBC within 48 hours of the exposure and then monthly for three months; and a physical examination if the employee reports irritation of the eyes, nose, throat, lungs, or skin, blurred vision, coughing, drowsiness, nausea, or headache. Continued employee participation in the medical screening and surveillance program, beyond these minimum requirements, shall be at the discretion of the physician or other licensed health care professional.

(e) Additional medical evaluations and referrals.

(i) Where the results of medical screening indicate abnormalities of the hematopoietic or reticuloendothelial systems, for which a nonoccupational cause is not readily apparent, the examining physician or other licensed health care professional shall refer the employee to an appropriate specialist for further evaluation and shall make available to the specialist the results of the medical screening.

(ii) The specialist to whom the employee is referred under this subsection shall determine the appropriate content for the medical evaluation, e.g., examinations, diagnostic tests and procedures, etc.

(f) Information provided to the physician or other licensed health care professional. The employer shall provide the following information to the examining physician or other licensed health care professional involved in the evaluation:

(i) A copy of this section including its appendices;
 (ii) A description of the affected employee's duties as they relate to the employee's BD exposure;

(iii) The employee's actual or representative BD exposure level during employment tenure, including exposure incurred in an emergency situation;

(iv) A description of pertinent personal protective equipment used or to be used; and

(v) Information, when available, from previous employment-related medical evaluations of the affected employee which is not otherwise available to the physician or other licensed health care professional or the specialist.

(g) The written medical opinion.

(i) For each medical evaluation required by this section, the employer shall ensure that the physician or other licensed health care professional produces a written opinion and provides a copy to the employer and the employee within 15 business days of the evaluation. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical evaluation;

(B) A medical opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to BD;

(C) Any recommended limitations upon the employee's exposure to BD; and

(D) A statement that the employee has been informed of the results of the medical evaluation and any medical conditions resulting from BD exposure that require further explanation or treatment.

(ii) The written medical opinion provided to the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work with BD.

Note: This provision does not negate the ethical obligation of the physician or other licensed health care professional to transmit any other adverse findings directly to the employee.

(h) Medical surveillance.

(i) The employer shall ensure that information obtained from the medical screening program activities is aggregated (with all personal identifiers removed) and periodically reviewed, to ascertain whether the health of the employee population of that employer is adversely affected by exposure to BD.

(ii) Information learned from medical surveillance activities must be disseminated to covered employees, as defined in (a) of this subsection, in a manner that ensures the confidentiality of individual medical information.

(12) Communication of BD hazards to employees.

(a) Hazard communication. The employer shall communicate the hazards associated with BD exposure in accordance with the requirements of the chemical hazard communication standard, WAC ((296-62-054)) 296-800-170.

(b) Employee information and training.

(i) The employer shall provide all employees exposed to BD with information and training in accordance with the requirements of the chemical hazard communication standard, WAC ((296-62-054)) 296-800-170.

(ii) The employer shall institute a training program for all employees who are potentially exposed to BD at or above the action level or the STEL, ensure employee participation in the program and maintain a record of the contents of such program.

(iii) Training shall be provided prior to or at the time of initial assignment to a job potentially involving exposure to BD at or above the action level or STEL and at least annually thereafter.

(iv) The training program shall be conducted in a manner that the employee is able to understand. The employer shall ensure that each employee exposed to BD over the action level or STEL is informed of the following:

(A) The health hazards associated with BD exposure, and the purpose and a description of the medical screening and surveillance program required by this section;

(B) The quantity, location, manner of use, release, and storage of BD and the specific operations that could result in exposure to BD, especially exposures above the PEL or STEL;

(C) The engineering controls and work practices associated with the employee's job assignment, and emergency procedures and personal protective equipment;

(D) The measures employees can take to protect themselves from exposure to BD;

(E) The contents of this standard and its appendices; and

(F) The right of each employee exposed to BD at or above the action level or STEL to obtain:

(I) Medical examinations as required by subsection (10) of this section at no cost to the employee;

(II) The employee's medical records required to be maintained by subsection (13)(c) of this section; and

(III) All air monitoring results representing the employee's exposure to BD and required to be kept by subsection (13)(b) of this section.

(c) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees and their designated representatives and shall provide a copy if requested.

(ii) The employer shall provide to the director, or the designated employee representatives, upon request, all materials relating to the employee information and the training program.

(13) Recordkeeping.

(a) Objective data for exemption from initial monitoring.

(i) Where the processing, use, or handling of products or streams made from or containing BD are exempted from other requirements of this section under subsection (1)(b) of this section, or where objective data have been relied on in lieu of initial monitoring under subsection (4)(b)(ii) of this

section, the employer shall establish and maintain a record of the objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The product or activity qualifying for exemption;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and analysis of the material for the release of BD;

(D) A description of the operation exempted and how the data support the exemption; and

(E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to BD as prescribed in subsection (4) of this section.

(ii) The record shall include at least the following information:

(A) The date of measurement;

(B) The operation involving exposure to BD which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any;

(F) Name, Social Security number and exposure of the employees whose exposures are represented; and

(G) The written corrective action and the schedule for completion of this action required by subsection (4)(g)(ii) of this section.

(iii) The employer shall maintain this record for at least 30 years in accordance with WAC 296-62-052.

(c) Medical screening and surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical screening and surveillance under this section.

(ii) The record shall include at least the following information:

(A) The name and Social Security number of the employee;

(B) Physician's or other licensed health care professional's written opinions as described in subsection (11) (e) of this section;

(C) A copy of the information provided to the physician or other licensed health care professional as required by subsection (11)(e) of this section.

(iii) Medical screening and surveillance records shall be maintained for each employee for the duration of employment plus 30 years, in accordance with WAC 296-62-052.

(d) Availability.

(i) The employer, upon written request, shall make all records required to be maintained by this section available for examination and copying to the director.

(ii) Access to records required to be maintained by (a) and (b) of this subsection shall be granted in accordance with WAC 296-62-05209.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the employer shall transfer records required by this section to the successor employer. The successor employer shall receive and maintain these records. If there is no successor employer, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if requested by the director within that period.

(ii) The employer shall transfer medical and exposure records as set forth in WAC 296-62-05215.

(14) Dates.

(a) Effective date. This section shall become effective (day, month), 1997.

(b) Start-up dates.

(i) The initial monitoring required under subsection (4)(b) of this section shall be completed immediately or within sixty days of the introduction of BD into the workplace.

(ii) The requirements of subsections (3) through (13) of this section, including feasible work practice controls but not including engineering controls specified in subsection (6)(a) of this section, shall be complied with immediately.

(iii) Engineering controls specified by subsection (6)(a) of this section shall be implemented by February 4, 1999, and the exposure goal program specified in subsection (7) of this section shall be implemented by February 4, 2000.

(15) Appendices.

Appendices A, B, C, D, and F to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A. Substance Safety Data Sheet For 1,3-Butadiene (Non-Mandatory)

(1) Substance Identification.

(a) Substance: 1,3-Butadiene ($\text{CH}_2=\text{CH}-\text{CH}=\text{CH}_2$).

(b) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bi-vinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50602; CAS-106-99-0.

(c) BD can be found as a gas or liquid.

(d) BD is used in production of styrene-butadiene rubber and polybutadiene rubber for the tire industry. Other uses include copolymer latexes for carpet backing and paper coating, as well as resins and polymers for pipes and automobile and appliance parts. It is also used as an intermediate in the production of such chemicals as fungicides.

(e) Appearance and odor: BD is a colorless, non-corrosive, flammable gas with a mild aromatic odor at standard ambient temperature and pressure.

(f) Permissible exposure: Exposure may not exceed 1 part BD per million parts of air averaged over the 8-hour workday, nor may short-term exposure exceed 5 parts of BD per million parts of air averaged over any 15-minute period in the 8-hour workday.

(2) Health Hazard Data.

(a) BD can affect the body if the gas is inhaled or if the liquid form, which is very cold (cryogenic), comes in contact with the eyes or skin.

(b) Effects of overexposure: Breathing very high levels of BD for a short time can cause central nervous system effects, blurred vision, nausea, fatigue, headache, decreased

blood pressure and pulse rate, and unconsciousness. There are no recorded cases of accidental exposures at high levels that have caused death in humans, but this could occur. Breathing lower levels of BD may cause irritation of the eyes, nose, and throat. Skin contact with liquefied BD can cause irritation and frostbite.

(c) Long-term (chronic) exposure: BD has been found to be a potent carcinogen in rodents, inducing neoplastic lesions at multiple target sites in mice and rats. A recent study of BD-exposed workers showed that exposed workers have an increased risk of developing leukemia. The risk of leukemia increases with increased exposure to BD. OSHA has concluded that there is strong evidence that workplace exposure to BD poses an increased risk of death from cancers of the lymphohematopoietic system.

(d) Reporting signs and symptoms: You should inform your supervisor if you develop any of these signs or symptoms and suspect that they are caused by exposure to BD.

(3) Emergency First Aid Procedures.

In the event of an emergency, follow the emergency plan and procedures designated for your work area. If you have been trained in first aid procedures, provide the necessary first aid measures. If necessary, call for additional assistance from co-workers and emergency medical personnel.

(a) Eye and Skin Exposures: If there is a potential that liquefied BD can come in contact with eye or skin, face shields and skin protective equipment must be provided and used. If liquefied BD comes in contact with the eye, immediately flush the eyes with large amounts of water, occasionally lifting the lower and the upper lids. Flush repeatedly. Get medical attention immediately. Contact lenses should not be worn when working with this chemical. In the event of skin contact, which can cause frostbite, remove any contaminated clothing and flush the affected area repeatedly with large amounts of tepid water.

(b) Breathing: If a person breathes in large amounts of BD, move the exposed person to fresh air at once. If breathing has stopped, begin cardiopulmonary resuscitation (CPR) if you have been trained in this procedure. Keep the affected person warm and at rest. Get medical attention immediately.

(c) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, call for help and begin emergency rescue procedures. Use extreme caution so that you do not become a casualty. Understand the plant's emergency rescue procedures and know the locations of rescue equipment before the need arises.

(4) Respirators and Protective Clothing.

(a) Respirators: Good industrial hygiene practices recommend that engineering and work practice controls be used to reduce environmental concentrations to the permissible exposure level. However, there are some exceptions where respirators may be used to control exposure. Respirators may be used when engineering and work practice controls are not technically feasible, when such controls are in the process of being installed, or when these controls fail and need to be supplemented or during brief, non-routine, intermittent exposure. Respirators may also be used in situations involving non-routine work operations which are performed infrequently and in which exposures are limited in duration, and in emergency situations. In some instances cartridge respirator

use is allowed, but only with strict time constraints. For example, at exposure below 5 ppm BD, a cartridge (or canister) respirator, either full or half face, may be used, but the cartridge must be replaced at least every 4 hours, and it must be replaced every 3 hours when the exposure is between 5 and 10 ppm.

If the use of respirators is necessary, the only respirators permitted are those that have been approved by the National Institute for Occupational Safety and Health (NIOSH). In addition to respirator selection, a complete respiratory protection program must be instituted which includes regular training, maintenance, fit testing, inspection, cleaning, and evaluation of respirators. If you can smell BD while wearing a respirator, proceed immediately to fresh air, and change cartridge (or canister) before re-entering an area where there is BD exposure. If you experience difficulty in breathing while wearing a respirator, tell your supervisor.

(b) Protective Clothing: Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen by contact with liquefied BD (or a vessel containing liquid BD).

Employees should be provided with and required to use splash-proof safety goggles where liquefied BD may contact the eyes.

(5) Precautions for Safe Use, Handling, and Storage.

(a) Fire and Explosion Hazards: BD is a flammable gas and can easily form explosive mixtures in air. It has a lower explosive limit of 2%, and an upper explosive limit of 11.5%. It has an autoignition temperature of 420 deg. C (788 deg. F). Its vapor is heavier than air (vapor density, 1.9) and may travel a considerable distance to a source of ignition and flash back. Usually it contains inhibitors to prevent self-polymerization (which is accompanied by evolution of heat) and to prevent formation of explosive peroxides. At elevated temperatures, such as in fire conditions, polymerization may take place. If the polymerization takes place in a container, there is a possibility of violent rupture of the container.

(b) Hazard: Slightly toxic. Slight respiratory irritant. Direct contact of liquefied BD on skin may cause freeze burns and frostbite.

(c) Storage: Protect against physical damage to BD containers. Outside or detached storage of BD containers is preferred. Inside storage should be in a cool, dry, well-ventilated, noncombustible location, away from all possible sources of ignition. Store cylinders vertically and do not stack. Do not store with oxidizing material.

(d) Usual Shipping Containers: Liquefied BD is contained in steel pressure apparatus.

(e) Electrical Equipment: Electrical installations in Class I hazardous locations, as defined in Article 500 of the National Electrical Code, should be in accordance with Article 501 of the Code. If explosion-proof electrical equipment is necessary, it shall be suitable for use in Group B. Group D equipment may be used if such equipment is isolated in accordance with Section 501-5(a) by sealing all conduit 1/2-inch size or larger. See Venting of Deflagrations (NFPA No. 68, 1994), National Electrical Code (NFPA No. 70, 1996), Static Electricity (NFPA No. 77, 1993), Lightning Protection

Systems (NFPA No. 780, 1995), and Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids (NFPA No. 325, 1994).

(f) Fire Fighting: Stop flow of gas. Use water to keep fire-exposed containers cool. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

(g) Spill and Leak: Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until clean-up has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate area of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(h) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulation of any additional requirements as these may be more restrictive than federal laws and regulation.

(i) You should not keep food, beverages, or smoking materials in areas where there is BD exposure, nor should you eat or drink in such areas.

(j) Ask your supervisor where BD is used in your work area and ask for any additional plant safety and health rules.

(6) Medical Requirements.

Your employer is required to offer you the opportunity to participate in a medical screening and surveillance program if you are exposed to BD at concentrations exceeding the action level (0.5 ppm BD as an 8-hour TWA) on 30 days or more a year, or at or above the 8-hr TWA (1 ppm) or STEL (5 ppm for 15 minutes) on 10 days or more a year. Exposure for any part of a day counts. If you have had exposure to BD in the past, but have been transferred to another job, you may still be eligible to participate in the medical screening and surveillance program.

The WISHA rule specifies the past exposures that would qualify you for participation in the program. These past exposure are work histories that suggest the following:

(a) That you have been exposed at or above the PELs on 30 days a year for 10 or more years;

(b) That you have been exposed at or above the action level on 60 days a year for 10 or more years; or

(c) That you have been exposed above 10 ppm on 30 days in any past year.

Additionally, if you are exposed to BD in an emergency situation, you are eligible for a medical examination within 48 hours. The basic medical screening program includes a health questionnaire, physical examination, and blood test. These medical evaluations must be offered to you at a reasonable time and place, and without cost or loss of pay.

(7) Observation of Monitoring.

Your employer is required to perform measurements that are representative of your exposure to BD and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear, the protective clothing and equipment.

(8) Access to Information.

(a) Each year, your employer is required to inform you of the information contained in this appendix. In addition, your employer must instruct you in the proper work practices for using BD, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to BD. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits and of the schedule to implement these actions.

(c) Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least thirty (30) years.

(d) Your employer is required to release your exposure and medical records to you or your representative upon your request.

Appendix B. Substance Technical Guidelines for 1,3-Butadiene (Non-Mandatory)

(1) Physical and Chemical Data.

(a) Substance identification:

(i) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; divinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50620; CAS-106-99-0.

(ii) Formula: $(CH_2)=CH-CH=CH_2$.

(iii) Molecular weight: 54.1.

(b) Physical data:

(i) Boiling point (760 mm Hg): -4.7 deg. C (23.5 deg. F).

(ii) Specific gravity (water=1): 0.62 at 20 deg. C (68 deg. F).

(iii) Vapor density (air=1 at boiling point of BD): 1.87.

(iv) Vapor pressure at 20 deg. C (68 deg. F): 910 mm Hg.

(v) Solubility in water, g/100 g water at 20 deg. C (68 deg. F): 0.05.

(vi) Appearance and odor: Colorless, flammable gas with a mildly aromatic odor. Liquefied BD is a colorless liquid with a mildly aromatic odor.

(2) Fire, Explosion, and Reactivity Hazard Data.

(a) Fire:

(i) Flash point: -76 deg. C (-105 deg. F) for take out; liquefied BD; Not applicable to BD gas.

(ii) Stability: A stabilizer is added to the monomer to inhibit formation of polymer during storage. Forms explosive peroxides in air in absence of inhibitor.

(iii) Flammable limits in air, percent by volume: Lower: 2.0; Upper: 11.5.

(iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires.

(v) Special fire fighting procedures: Fight fire from protected location or maximum possible distance. Stop flow of gas before extinguishing fire. Use water spray to keep fire-exposed cylinders cool.

(vi) Unusual fire and explosion hazards: BD vapors are heavier than air and may travel to a source of ignition and flash back. Closed containers may rupture violently when heated.

(vii) For purposes of compliance with the requirements of WAC 296-24-330, BD is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-585, BD is classified as a Class B fire hazard.

(ix) For purposes of compliance with WAC 296-24-956 and 296-800-280, locations classified as hazardous due to the presence of BD shall be Class I.

(b) Reactivity:

(i) Conditions contributing to instability: Heat. Peroxides are formed when inhibitor concentration is not maintained at proper level. At elevated temperatures, such as in fire conditions, polymerization may take place.

(ii) Incompatibilities: Contact with strong oxidizing agents may cause fires and explosions. The contacting of crude BD (not BD monomer) with copper and copper alloys may cause formations of explosive copper compounds.

(iii) Hazardous decomposition products: Toxic gases (such as carbon monoxide) may be released in a fire involving BD.

(iv) Special precautions: BD will attack some forms of plastics, rubber, and coatings. BD in storage should be checked for proper inhibitor content, for self-polymerization, and for formation of peroxides when in contact with air and iron. Piping carrying BD may become plugged by formation of rubbery polymer.

(c) Warning Properties:

(i) Odor Threshold: An odor threshold of 0.45 ppm has been reported in The American Industrial Hygiene Association (AIHA) Report, Odor Thresholds for Chemicals with Established Occupational Health Standards. (Ex. 32-28C).

(ii) Eye Irritation Level: Workers exposed to vapors of BD (concentration or purity unspecified) have complained of irritation of eyes, nasal passages, throat, and lungs. Dogs and

rabbits exposed experimentally to as much as 6700 ppm for 7 1/2 hours a day for 8 months have developed no histologically demonstrable abnormality of the eyes.

(iii) Evaluation of Warning Properties: Since the mean odor threshold is about half of the 1 ppm PEL, and more than 10-fold below the 5 ppm STEL, most wearers of air purifying respirators should still be able to detect breakthrough before a significant overexposure to BD occurs.

(3) Spill, Leak, and Disposal Procedures.

(a) Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until cleanup has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate areas of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(b) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed by the EPA as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulations for any additional requirements because these may be more restrictive than federal laws and regulations.

(4) Monitoring and Measurement Procedures.

(a) Exposure above the Permissible Exposure Limit (8-hr TWA) or Short-Term Exposure Limit (STEL):

(i) 8-hr TWA exposure evaluation: Measurements taken for the purpose of determining employee exposure under this standard are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee).

(ii) STEL exposure evaluation: Measurements must represent 15 minute exposures associated with operations most likely to exceed the STEL in each job and on each shift.

(iii) Monitoring frequencies: Table 1 gives various exposure scenarios and their required monitoring frequencies, as required by the final standard for occupational exposure to butadiene.

Table 1. — Five Exposure Scenarios and Their Associated Monitoring Frequencies

Action Level	8-hr TWA	STEL	Required Monitoring Activity
—*	—	—	No 8-hr TWA or STEL monitoring required.
+*	—	—	No STEL monitoring required. Monitor 8-hr TWA annually.
+	—	—	No STEL monitoring required. Periodic monitoring 8-hr TWA, in accordance with (4)(c)(iii).**

PERMANENT

Action Level	8-hr TWA	STEL	Required Monitoring Activity
+	+	+	Periodic monitoring 8-hr TWA, in accordance with (4)(c)(iii)**. Periodic monitoring STEL in accordance with (4)(c)(iii).
+	—	+	Periodic monitoring STEL, in accordance with (4)(c)(iii). Monitor 8-hr TWA annually.

Footnote (*) Exposure Scenario, Limit Exceeded: += Yes, - = No.

Footnote (**) The employer may decrease the frequency of exposure monitoring to annually when at least 2 consecutive measurements taken at least 7 days apart show exposures to be below the 8-hr TWA, but at or above the action level.

(iv) Monitoring techniques: Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with BD. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his or her unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of BD at or above 1 ppm, and to plus or minus 35 percent for concentrations below 1 ppm.

(5) Personal Protective Equipment.

(a) Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen from contact with liquid BD.

(b) Any clothing which becomes wet with liquid BD should be removed immediately and not re-worn until the butadiene has evaporated.

(c) Employees should be provided with and required to use splash proof safety goggles where liquid BD may contact the eyes.

(6) Housekeeping and Hygiene Facilities.

For purposes of complying with WAC 296-24-120 (~~(Part B-1 Sanitation)~~), 296-800-220 and 296-800-230, the following items should be emphasized:

(a) The workplace should be kept clean, orderly, and in a sanitary condition.

(b) Adequate washing facilities with hot and cold water are to be provided and maintained in a sanitary condition.

(7) Additional Precautions.

(a) Store BD in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

(b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded.

(c) Do not incinerate BD cartridges, tanks or other containers.

(d) Employers must advise employees of all areas and operations where exposure to BD might occur.

Appendix C. Medical Screening and Surveillance for 1,3-Butadiene (Nonmandatory)

(1) Basis for Medical Screening and Surveillance Requirements.

(a) Route of Entry Inhalation.

(b) Toxicology.

Inhalation of BD has been linked to an increased risk of cancer, damage to the reproductive organs, and fetotoxicity.

Butadiene can be converted via oxidation to epoxybutene and diepoxybutane, two genotoxic metabolites that may play a role in the expression of BD's toxic effects. BD has been tested for carcinogenicity in mice and rats. Both species responded to BD exposure by developing cancer at multiple primary organ sites. Early deaths in mice were caused by malignant lymphomas, primarily lymphocytic type, originating in the thymus.

Mice exposed to BD have developed ovarian or testicular atrophy. Sperm head morphology tests also revealed abnormal sperm in mice exposed to BD; lethal mutations were found in a dominant lethal test. In light of these results in animals, the possibility that BD may adversely affect the reproductive systems of male and female workers must be considered.

Additionally, anemia has been observed in animals exposed to butadiene. In some cases, this anemia appeared to be a primary response to exposure; in other cases, it may have been secondary to a neoplastic response.

(c) Epidemiology.

Epidemiologic evidence demonstrates that BD exposure poses an increased risk of leukemia. Mild alterations of hematologic parameters have also been observed in synthetic rubber workers exposed to BD.

(2) Potential Adverse Health Effects.

(a) Acute.

Skin contact with liquid BD causes characteristic burns or frostbite. BD in gaseous form can irritate the eyes, nasal passages, throat, and lungs. Blurred vision, coughing, and drowsiness may also occur. Effects are mild at 2,000 ppm and pronounced at 8,000 ppm for exposures occurring over the full workshift.

At very high concentrations in air, BD is an anesthetic, causing narcosis, respiratory paralysis, unconsciousness, and death. Such concentrations are unlikely, however, except in an extreme emergency because BD poses an explosion hazard at these levels.

(b) Chronic.

The principal adverse health effects of concern are BD-induced lymphoma, leukemia and potential reproductive toxicity. Anemia and other changes in the peripheral blood cells may be indicators of excessive exposure to BD.

(c) Reproductive.

Workers may be concerned about the possibility that their BD exposure may be affecting their ability to procreate a healthy child. For workers with high exposures to BD, especially those who have experienced difficulties in conceiving, miscarriages, or stillbirths, appropriate medical and laboratory evaluation of fertility may be necessary to determine if

PERMANENT

BD is having any adverse effect on the reproductive system or on the health of the fetus.

(3) Medical Screening Components At-A-Glance.

(a) Health Questionnaire.

The most important goal of the health questionnaire is to elicit information from the worker regarding potential signs or symptoms generally related to leukemia or other blood abnormalities. Therefore, physicians or other licensed health care professionals should be aware of the presenting symptoms and signs of lymphohematopoietic disorders and cancers, as well as the procedures necessary to confirm or exclude such diagnoses. Additionally, the health questionnaire will assist with the identification of workers at greatest risk of developing leukemia or adverse reproductive effects from their exposures to BD.

Workers with a history of reproductive difficulties or a personal or family history of immune deficiency syndromes, blood dyscrasias, lymphoma, or leukemia, and those who are or have been exposed to medicinal drugs or chemicals known to affect the hematopoietic or lymphatic systems may be at higher risk from their exposure to BD. After the initial administration, the health questionnaire must be updated annually.

(b) Complete Blood Count (CBC).

The medical screening and surveillance program requires an annual CBC, with differential and platelet count, to be provided for each employee with BD exposure. This test is to be performed on a blood sample obtained by phlebotomy of the venous system or, if technically feasible, from a fingerstick sample of capillary blood. The sample is to be analyzed by an accredited laboratory.

Abnormalities in a CBC may be due to a number of different etiologies. The concern for workers exposed to BD includes, but is not limited to, timely identification of lymphohematopoietic cancers, such as leukemia and non-Hodgkin's lymphoma. Abnormalities of portions of the CBC are identified by comparing an individual's results to those of an established range of normal values for males and females. A substantial change in any individual employee's CBC may also be viewed as "abnormal" for that individual even if all measurements fall within the population-based range of normal values. It is suggested that a flowsheet for laboratory values be included in each employee's medical record so that comparisons and trends in annual CBCs can be easily made.

A determination of the clinical significance of an abnormal CBC shall be the responsibility of the examining physician, other licensed health care professional, or medical specialist to whom the employee is referred. Ideally, an abnormal CBC should be compared to previous CBC measurements for the same employee, when available. Clinical common sense may dictate that a CBC value that is very slightly outside the normal range does not warrant medical concern. A CBC abnormality may also be the result of a temporary physical stressor, such as a transient viral illness, blood donation, or menorrhagia, or laboratory error. In these cases, the CBC should be repeated in a timely fashion, i.e., within 6 weeks, to verify that return to the normal range has occurred. A clinically significant abnormal CBC should result in removal of the employee from further exposure to BD. Trans-

fer of the employee to other work duties in a BD-free environment would be the preferred recommendation.

(c) Physical Examination.

The medical screening and surveillance program requires an initial physical examination for workers exposed to BD; this examination is repeated once every three years. The initial physical examination should assess each worker's baseline general health and rule out clinical signs of medical conditions that may be caused by or aggravated by occupational BD exposure. The physical examination should be directed at identification of signs of lymphohematopoietic disorders, including lymph node enlargement, splenomegaly, and hepatomegaly.

Repeated physical examinations should update objective clinical findings that could be indicative of interim development of a lymphohematopoietic disorder, such as lymphoma, leukemia, or other blood abnormality. Physical examinations may also be provided on an as needed basis in order to follow up on a positive answer on the health questionnaire, or in response to an abnormal CBC. Physical examination of workers who will no longer be working in jobs with BD exposure are intended to rule out lymphohematopoietic disorders.

The need for physical examinations for workers concerned about adverse reproductive effects from their exposure to BD should be identified by the physician or other licensed health care professional and provided accordingly. For these workers, such consultations and examinations may relate to developmental toxicity and reproductive capacity.

Physical examination of workers acutely exposed to significant levels of BD should be especially directed at the respiratory system, eyes, sinuses, skin, nervous system, and any region associated with particular complaints. If the worker has received a severe acute exposure, hospitalization may be required to assure proper medical management. Since this type of exposure may place workers at greater risk of blood abnormalities, a CBC must be obtained within 48 hours and repeated at one, two, and three months.

Appendix D: Sampling and Analytical Method for 1,3-Butadiene (Non-Mandatory)

OSHA Method No.: 56.

Matrix: Air.

Target concentration: 1 ppm (2.21 mg/m³).

Procedure: Air samples are collected by drawing known volumes of air through sampling tubes containing charcoal adsorbent which has been coated with 4-tert-butylcatechol. The samples are desorbed with carbon disulfide and then analyzed by gas chromatography using a flame ionization detector.

Recommended sampling rate and air volume: 0.05 L/min and 3 L.

Detection limit of the overall procedure: 90 ppb (200 ug/m³) (based on 3 L air volume).

Reliable quantitation limit: 155 ppb (343 ug/m³) (based on 3 L air volume).

Standard error of estimate at the target concentration: 6.5%.

Special requirements: The sampling tubes must be coated with 4-tert-butylcatechol. Collected samples should be stored in a freezer.

Status of method: A sampling and analytical method has been subjected to the established evaluation procedures of the Organic Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah 84165.

(1) Background.

This work was undertaken to develop a sampling and analytical procedure for BD at 1 ppm. The current method recommended by OSHA for collecting BD uses activated coconut shell charcoal as the sampling medium (Ref. 5.2). This method was found to be inadequate for use at low BD levels because of sample instability.

The stability of samples has been significantly improved through the use of a specially cleaned charcoal which is coated with 4-tert-butylcatechol (TBC). TBC is a polymerization inhibitor for BD (Ref. 5.3).

(a) Toxic effects.

Symptoms of human exposure to BD include irritation of the eyes, nose and throat. It can also cause coughing, drowsiness and fatigue. Dermatitis and frostbite can result from skin exposure to liquid BD. (Ref. 5.1)

NIOSH recommends that BD be handled in the workplace as a potential occupational carcinogen. This recommendation is based on two inhalation studies that resulted in cancers at multiple sites in rats and in mice. BD has also demonstrated mutagenic activity in the presence of a liver microsomal activating system. It has also been reported to have adverse reproductive effects. (Ref. 5.1)

(b) Potential workplace exposure.

About 90% of the annual production of BD is used to manufacture styrene-butadiene rubber and Polybutadiene rubber. Other uses include: Polychloroprene rubber, acrylonitrile butadiene-styrene resins, nylon intermediates, styrene-butadiene latexes, butadiene polymers, thermoplastic elastomers, nitrile resins, methyl methacrylate-butadiene styrene resins and chemical intermediates. (Ref. 5.1)

(c) Physical properties (Ref. 5.1).

CAS No.: 106-99-0

Molecular weight: 54.1

Appearance: Colorless gas

Boiling point: -4.41 deg. C (760 mm Hg)

Freezing point: -108.9 deg. C

Vapor pressure: 2 atm (a) 15.3 deg. C; 5 atm (a) 47 deg.

C

Explosive limits: 2 to 11.5% (by volume in air)

Odor threshold: 0.45 ppm

Structural formula: H(2)C:CHCH:CH(2)

Synonyms: BD; biethylene; bivinyl; butadiene; divinyl; buta-1,3-diene; alpha-gamma-butadiene; erythrene; NCI-C50602; pyrrolylene; vinylethylene.

(d) Limit defining parameters.

The analyte air concentrations listed throughout this method are based on an air volume of 3 L and a desorption volume of 1 mL. Air concentrations listed in ppm are referenced to 25 deg. C and 760 mm Hg.

(e) Detection limit of the analytical procedure.

The detection limit of the analytical procedure was 304 pg per injection. This was the amount of BD which gave a response relative to the interferences present in a standard.

(f) Detection limit of the overall procedure.

The detection limit of the overall procedure was 0.60 ug per sample (90 ppb or 200 ug/m(3)). This amount was determined graphically. It was the amount of analyte which, when spiked on the sampling device, would allow recovery approximately equal to the detection limit of the analytical procedure.

(g) Reliable quantitation limit.

The reliable quantitation limit was 1.03 ug per sample (155 ppb or 343 ug/m(3)). This was the smallest amount of analyte which could be quantitated within the limits of a recovery of at least 75% and a precision (+/- 1.96 SD) of +/- 25% or better.

(h) Sensitivity.(1)

Footnote (1) The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operation parameters.

The sensitivity of the analytical procedure over a concentration range representing 0.6 to 2 times the target concentration, based on the recommended air volume, was 387 area units per ug/mL. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(i) Recovery.

The recovery of BD from samples used in storage tests remained above 77% when the samples were stored at ambient temperature and above 94% when the samples were stored at refrigerated temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least 75% following storage.

(j) Precision (analytical method only).

The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.6 to 2 times the target concentration was 0.011.

(k) Precision (overall procedure).

The precision at the 95% confidence level for the refrigerated temperature storage test was +/- 12.7%. This value includes an additional +/- 5% for sampling error. The overall procedure must provide results at the target concentrations that are +/- 25% at the 95% confidence level.

(l) Reproducibility.

Samples collected from a controlled test atmosphere and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The average recovery was 97.2% and the standard deviation was 6.2%.

(2) Sampling procedure.

(a) Apparatus. Samples are collected by use of a personal sampling pump that can be calibrated to within +/- 5% of the recommended 0.05 L/min sampling rate with the sampling tube in line.

(b) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane-treated glass and is about 5-cm long. The ID is 4 mm and the

OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The opening in the tapered end of the sampling tube is at least one-half the ID of the tube (2 mm). The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with 2 sections of pre-treated charcoal which has been coated with TBC. The tube is packed with a 50-mg backup section, located nearest the tapered end, and with a 100-mg sampling section of charcoal. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic end caps. Instructions for the pretreatment and coating of the charcoal are presented in Section 4.1 of this method.

(c) Reagents.

None required.

(d) Technique.

(i) Properly label the sampling tube before sampling and then remove the plastic end caps.

(ii) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the larger front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(iii) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps. Wrap the tube lengthwise.

(iv) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(v) List any potential interferences on the sample data sheet.

(vi) The samples require no special shipping precautions under normal conditions. The samples should be refrigerated if they are to be exposed to higher than normal ambient temperatures. If the samples are to be stored before they are shipped to the laboratory, they should be kept in a freezer. The samples should be placed in a freezer upon receipt at the laboratory.

(e) Breakthrough.

(Breakthrough was defined as the relative amount of analyte found on the backup section of the tube in relation to the total amount of analyte collected on the sampling tube. Five-percent breakthrough occurred after sampling a test atmosphere containing 2.0 ppm BD for 90 min. at 0.05 L/min. At the end of this time 4.5 L of air had been sampled and 20.1 ug of the analyte was collected. The relative humidity of the sampled air was 80% at 23 deg. C.)

Breakthrough studies have shown that the recommended sampling procedure can be used at air concentrations higher than the target concentration. The sampling time, however, should be reduced to 45 min. if both the expected BD level and the relative humidity of the sampled air are high.

(f) Desorption efficiency.

The average desorption efficiency for BD from TBC coated charcoal over the range from 0.6 to 2 times the target

concentration was 96.4%. The efficiency was essentially constant over the range studied.

(g) Recommended air volume and sampling rate.

(h) The recommended air volume is 3 L.

(i) The recommended sampling rate is 0.05 L/min. for 1 hour.

(j) Interferences.

There are no known interferences to the sampling method.

(k) Safety precautions.

(i) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(ii) Follow all safety practices that apply to the work area being sampled.

(3) Analytical procedure.

(a) Apparatus.

(i) A gas chromatograph (GC), equipped with a flame ionization detector (FID).(2)

Footnote (2) A Hewlett-Packard Model 5840A GC was used for this evaluation. Injections were performed using a Hewlett-Packard Model 7671A automatic sampler.

(ii) A GC column capable of resolving the analytes from any interference.(3)

Footnote (3) A 20-ft x 1/8-inch OD stainless steel GC column containing 20% FFAP on 80/100 mesh Chromabsorb W-AW-DMCS was used for this evaluation.

(iii) Vials, glass 2-mL with Teflon-lined caps.

(iv) Disposable Pasteur-type pipets, volumetric flasks, pipets and syringes for preparing samples and standards, making dilutions and performing injections.

(b) Reagents.

(i) Carbon disulfide.(4)

Footnote (4) Fisher Scientific Company A.C.S. Reagent Grade solvent was used in this evaluation.

The benzene contaminant that was present in the carbon disulfide was used as an internal standard (ISTD) in this evaluation.

(ii) Nitrogen, hydrogen and air, GC grade.

(iii) BD of known high purity.(5)

Footnote (5) Matheson Gas Products, CP Grade 1,3-butadiene was used in this study.

(c) Standard preparation.

(i) Prepare standards by diluting known volumes of BD gas with carbon disulfide. This can be accomplished by injecting the appropriate volume of BD into the headspace above the 1-mL of carbon disulfide contained in sealed 2-mL vial. Shake the vial after the needle is removed from the septum.(6)

Footnote (6) A standard containing 7.71 ug/mL (at ambient temperature and pressure) was prepared by diluting 4 uL of the gas with 1-mL of carbon disulfide.

(ii) The mass of BD gas used to prepare standards can be determined by use of the following equations:

$$MV = (760/BP)(273+t)/(273)(22.41)$$

Where:

MV = ambient molar volume

BP = ambient barometric pressure

T = ambient temperature

ug/uL = 54.09/MV

ug/standard = (ug/uL)(uL) BD used to prepare the standard

(d) Sample preparation.

(i) Transfer the 100-mg section of the sampling tube to a 2-mL vial. Place the 50-mg section in a separate vial. If the glass wool plugs contain a significant amount of charcoal, place them with the appropriate sampling tube section.

(ii) Add 1-mL of carbon disulfide to each vial.

(iii) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand vigorously several times during the desorption period.

(iv) If it is not possible to analyze the samples within 4 hours, separate the carbon disulfide from the charcoal, using a disposable Pasteur-type pipet, following the one hour. This separation will improve the stability of desorbed samples.

(v) Save the used sampling tubes to be cleaned and repacked with fresh adsorbent.

(e) Analysis.

(i) GC Conditions.

Column temperature: 95 deg. C

Injector temperature: 180 deg. C

Detector temperature: 275 deg. C

Carrier gas flow rate: 30 mL/min.

Injection volume: 0.80 uL

GC column: 20-ft x 1/8-in OD stainless steel GC column containing 20%

FFAP on 80/100 Chromabsorb W-AW-DMCS.

(ii) Chromatogram. See Section 4.2.

(iii) Use a suitable method, such as electronic or peak heights, to measure detector response.

(iv) Prepare a calibration curve using several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report the results in ug/mL.

(v) Bracket sample concentrations with standards.

(f) Interferences (analytical).

(i) Any compound with the same general retention time as the analyte and which also gives a detector response is a potential interference. Possible interferences should be reported by the industrial hygienist to the laboratory with submitted samples.

(ii) GC parameters (temperature, column, etc.) may be changed to circumvent interferences.

(iii) A useful means of structure designation is GC/MS. It is recommended that this procedure be used to confirm samples whenever possible.

(g) Calculations.

(i) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(ii) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If any analyte is found on the backup section, this amount is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(iii) The BD air concentration can be expressed using the following equation:

$$\text{mg/m(3)} = (\text{A})(\text{B}) / (\text{C})(\text{D})$$

Where:

A = ug/mL from Section 3.7.2

B = volume

C = L of air sampled

D = efficiency

(iv) The following equation can be used to convert results in mg/m(3) to ppm:

$$\text{ppm} = (\text{mg/m(3)})(24.46)/54.09$$

Where:

mg/m(3) = result from Section 3.7.3.

24.46 = molar volume of an ideal gas at 760 mm Hg and 25 deg. C.

(h) Safety precautions (analytical).

(i) Avoid skin contact and inhalation of all chemicals.

(ii) Restrict the use of all chemicals to a fume hood whenever possible.

(iii) Wear safety glasses and a lab coat in all laboratory areas.

(4) Additional Information.

(a) A procedure to prepare specially cleaned charcoal coated with TBC.

(i) Apparatus.

(A) Magnetic stirrer and stir bar.

(B) Tube furnace capable of maintaining a temperature of 700 deg. C and equipped with a quartz tube that can hold 30 g of charcoal.(8)

Footnote (8) A Lindberg Type 55035 Tube furnace was used in this evaluation.

(C) A means to purge nitrogen gas through the charcoal inside the quartz tube.

(D) Water bath capable of maintaining a temperature of 60 deg. C.

(E) Miscellaneous laboratory equipment: One-liter vacuum flask, 1-L Erlenmeyer flask, 350-M1 Buchner funnel with a coarse fitted disc, 4-oz brown bottle, rubber stopper, Teflon tape etc.

(ii) Reagents.

(A) Phosphoric acid, 10% by weight, in water.(9)

Footnote (9) Baker Analyzed Reagent grade was diluted with water for use in this evaluation.

(B) 4-tert-Butylcatechol (TBC).(10)

Footnote (10) The Aldrich Chemical Company 99% grade was used in this evaluation.

(C) Specially cleaned coconut shell charcoal, 20/40 mesh.(11)

Footnote (11) Specially cleaned charcoal was obtained from Supelco, Inc. for use in this evaluation. The cleaning process used by Supelco is proprietary.

(D) Nitrogen gas, GC grade.

(iii) Procedure.

Weigh 30g of charcoal into a 500-mL Erlenmeyer flask. Add about 250 mL of 10% phosphoric acid to the flask and then swirl the mixture. Stir the mixture for 1 hour using a magnetic stirrer. Filter the mixture using a fitted Buchner funnel. Wash the charcoal several times with 250-mL portions of deionized water to remove all traces of the acid. Transfer the washed charcoal to the tube furnace quartz tube. Place the quartz tube in the furnace and then connect the nitrogen gas purge to the tube. Fire the charcoal to 700 deg. C. Maintain that temperature for at least 1 hour. After the

- gloves _____
- coveralls _____
- respirator _____
- dust mask _____
- safety glasses, goggles _____

Please circle your answer.

5. Does your protective clothing or equipment fit you properly? yes no
6. Have you ever made changes in your protective clothing or equipment to make it fit better? yes no
7. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no
8. Where do you eat, drink and/or smoke when you are at work? (Please check all that apply.)

- Cafeteria/restaurant/snack bar _____
- Break room/employee lounge _____
- Smoking lounge _____
- At my work station _____

Please circle your answer.

9. Have you been exposed to radiation (like x-rays or nuclear material) at the job you have now or at past jobs? yes no
10. Do you have any hobbies that expose you to dusts or chemicals (including paints, glues, etc.)? yes no
11. Do you have any second or side jobs? yes no
If yes, what are your duties there?

12. Were you in the military? yes no
If yes, what did you do in the military? _____

Family Health History

1. In the FAMILY MEMBER column, across from the disease name, write which family member, if any, had the disease.

DISEASE	FAMILY MEMBER
Cancer	
Lymphoma	
Sickle Cell Disease or Trait	
Immune Disease	
Leukemia	
Anemia	

2. Please fill in the following information about family health

Relative
Alive?

- Age at Death? _____
- Cause of Death? _____
- Father _____
- Mother _____
- Brother/Sister _____
- Brother/Sister _____
- Brother/Sister _____

Personal Health History

Birth Date __/__/__ Age __ Sex __ Height __ Weight __

Please circle your answer.

1. Do you smoke any tobacco products? yes no
2. Have you ever had any kind of surgery or operation? yes no

If yes, what type of surgery:

3. Have you ever been in the hospital for any other reasons? yes no

If yes, please describe the reason _____

4. Do you have any on-going or current medical problems or conditions? yes no

If yes, please describe: _____

5. Do you now have or have you ever had any of the following? Please check all that apply to you.

- unexplained fever _____
- anemia ("low blood") _____
- HIV/AIDS _____
- weakness _____
- sickle cell _____
- miscarriage _____
- skin rash _____
- bloody stools _____
- leukemia/lymphoma _____
- neck mass/swelling _____
- wheezing _____
- yellowing of skin _____
- bruising easily _____
- lupus _____
- weight loss _____
- kidney problems _____
- enlarged lymph nodes _____

PERMANENT

- liver disease _____
- cancer _____
- infertility _____
- drinking problems _____
- thyroid problems _____
- night sweats _____
- chest pain _____
- still birth _____
- eye redness _____
- lumps you can feel _____
- child with birth defect _____
- autoimmune disease _____
- overly tired _____
- lung problems _____
- rheumatoid arthritis _____
- mononucleosis ("mono") _____
- nagging cough _____

Please circle your answer.

6. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

7. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

8. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

9. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

10. Do you take any medications (including birth control or over-the-counter)? yes no

If yes, please list: _____

11. Are you allergic to any medication, food, or chemicals? yes no

If yes, please list: _____

12. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

13. Did you understand all the questions? yes no

Signature

1,3-Butadiene (BD) Health Update Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: _____

Name: _____ SSN _/ _/ _
Last First MI

Job Title: _____

Company's Name: _____

Supervisor's Name: _____

Supervisor's Phone No.: () _____

1. Please describe any NEW duties that you have at your job. _____

2. Please describe any additional job duties you have:

Please circle your answer.

3. Are you exposed to any other chemicals in your work since the last time you were evaluated for exposure to BD? yes no

If yes, please list what they are: _____

4. Does your personal protective equipment and clothing fit you properly? yes no

5. Have you made changes in this equipment or clothing to make it fit better? yes no

6. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

7. Are you exposed to any NEW chemicals at home or while working on hobbies? yes no

If yes, please list what they are: _____

8. Since your last BD health evaluation, have you started working any new second or side jobs? yes no

PERMANENT

If yes, what are your duties there? _____

Personal Health History

- 1. What is your current weight? ____ pounds
- 2. Have you been diagnosed with any new medical conditions or illness since your last evaluation?
yes no

If yes, please tell what they are: _____

- 3. Since your last evaluation, have you been in the hospital for any illnesses, injuries, or surgery? yes no

If yes, please describe: _____

- 4. Do you have any of the following? Please place a check for all that apply to you.

- unexplained fever _____
- anemia ("low blood") _____
- HIV/AIDS _____
- weakness _____
- sickle cell _____
- miscarriage _____
- skin rash _____
- bloody stools _____
- leukemia/lymphoma _____
- neck mass/swelling _____
- wheezing _____
- yellowing of skin _____
- bruising easily _____
- lupus _____
- weight loss _____
- kidney problems _____
- enlarged lymph nodes _____
- liver disease _____
- cancer _____
- infertility _____
- drinking problems _____
- thyroid problems _____
- night sweats _____
- chest pain _____
- still birth _____
- eye redness _____
- lumps you can feel _____
- child with birth defect _____
- autoimmune disease _____
- overly tired _____

- lung problems _____
- rheumatoid arthritis _____
- mononucleosis ("mono") _____
- nagging cough _____

Please circle your answer.

- 5. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

- 6. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

- 7. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

- 8. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

- 9. Have you been taking any NEW medications (including birth control or over-the-counter)? yes no

If yes, please list:

- 10. Have you developed any new allergies to medications, foods, or chemicals? yes no

If yes, please list:

- 11. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

- 12. Do you understand all the questions? yes no

Signature

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07470 Methylene chloride. This occupational health standard establishes requirements for employers to control occupational exposure to methylene chloride (MC). Employees exposed to MC are at increased risk of developing cancer, adverse effects on the heart, central nervous system and liver, and skin or eye irritation. Exposure may occur through inhalation, by absorption through the skin, or through contact with the skin. MC is a solvent which

PERMANENT

is used in many different types of work activities, such as paint stripping, polyurethane foam manufacturing, and cleaning and degreasing. Under the requirements of subsection (4) of this section, each covered employer must make an initial determination of each employee's exposure to MC. If the employer determines that employees are exposed below the action level, the only other provisions of this section that apply are that a record must be made of the determination, the employees must receive information and training under subsection (12) of this section and, where appropriate, employees must be protected from contact with liquid MC under subsection (8) of this section.

The provisions of the MC standard are as follows:

(1) **Scope and application.** This section applies to all occupational exposures to methylene chloride (MC), Chemical Abstracts Service Registry Number 75-09-2, in general industry, construction and shipyard employment.

(2) **Definitions.** For the purposes of this section, the following definitions shall apply:

"Action level" means a concentration of airborne MC of 12.5 parts per million (ppm) calculated as an eight (8)-hour time-weighted average (TWA).

"Authorized person" means any person specifically authorized by the employer and required by work duties to be present in regulated areas, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (4) of this section, or any other person authorized by the WISH Act or regulations issued under the act.

"Director" means the director of the department of labor and industries, or designee.

"Emergency" means any occurrence, such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which results, or is likely to result in an uncontrolled release of MC. If an incidental release of MC can be controlled by employees such as maintenance personnel at the time of release and in accordance with the leak/spill provisions required by subsection (6) of this section, it is not considered an emergency as defined by this standard.

"Employee exposure" means exposure to airborne MC which occurs or would occur if the employee were not using respiratory protection.

"Methylene chloride (MC)" means an organic compound with chemical formula, CH₂Cl₂. Its Chemical Abstracts Service Registry Number is 75-09-2. Its molecular weight is 84.9 g/mole.

"Physician or other licensed health care professional" is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide some or all of the health care services required by subsection (10) of this section.

"Regulated area" means an area, demarcated by the employer, where an employee's exposure to airborne concentrations of MC exceeds or can reasonably be expected to exceed either the 8-hour TWA PEL or the STEL.

"Symptom" means central nervous system effects such as headaches, disorientation, dizziness, fatigue, and decreased attention span; skin effects such as chapping,

erythema, cracked skin, or skin burns; and cardiac effects such as chest pain or shortness of breath.

"This section" means this methylene chloride standard.

(3) **Permissible exposure limits (PELs).**

(a) **Eight-hour time-weighted average (TWA) PEL.** The employer shall ensure that no employee is exposed to an airborne concentration of MC in excess of twenty-five parts of MC per million parts of air (25 ppm) as an 8-hour TWA.

(b) **Short-term exposure limit (STEL).** The employer shall ensure that no employee is exposed to an airborne concentration of MC in excess of one hundred and twenty-five parts of MC per million parts of air (125 ppm) as determined over a sampling period of fifteen minutes.

(4) **Exposure monitoring.**

(a) **Characterization of employee exposure.**

(i) Where MC is present in the workplace, the employer shall determine each employee's exposure by either:

(A) Taking a personal breathing zone air sample of each employee's exposure; or

(B) Taking personal breathing zone air samples that are representative of each employee's exposure.

(ii) **Representative samples.** The employer may consider personal breathing zone air samples to be representative of employee exposures when they are taken as follows:

(A) **8-hour TWA PEL.** The employer has taken one or more personal breathing zone air samples for at least one employee in each job classification in a work area during every work shift, and the employee sampled is expected to have the highest MC exposure.

(B) **Short-term exposure limits.** The employer has taken one or more personal breathing zone air samples which indicate the highest likely 15-minute exposures during such operations for at least one employee in each job classification in the work area during every work shift, and the employee sampled is expected to have the highest MC exposure.

(C) **Exception.** Personal breathing zone air samples taken during one work shift may be used to represent employee exposures on other work shifts where the employer can document that the tasks performed and conditions in the workplace are similar across shifts.

(iii) **Accuracy of monitoring.** The employer shall ensure that the methods used to perform exposure monitoring produce results that are accurate to a confidence level of 95 percent, and are:

(A) Within plus or minus 25 percent for airborne concentrations of MC above the 8-hour TWA PEL or the STEL; or

(B) Within plus or minus 35 percent for airborne concentrations of MC at or above the action level but at or below the 8-hour TWA PEL.

(b) **Initial determination.** Each employer whose employees are exposed to MC shall perform initial exposure monitoring to determine each affected employee's exposure, except under the following conditions:

(i) Where objective data demonstrate that MC cannot be released in the workplace in airborne concentrations at or above the action level or above the STEL. The objective data shall represent the highest MC exposures likely to occur under reasonably foreseeable conditions of processing, use, or handling. The employer shall document the objective data exemption as specified in subsection (13) of this section;

(ii) Where the employer has performed exposure monitoring within 12 months prior to December 1, and that exposure monitoring meets all other requirements of this section, and was conducted under conditions substantially equivalent to existing conditions; or

(iii) Where employees are exposed to MC on fewer than 30 days per year (e.g., on a construction site), and the employer has measurements by direct reading instruments which give immediate results (such as a detector tube) and which provide sufficient information regarding employee exposures to determine what control measures are necessary to reduce exposures to acceptable levels.

(c) Periodic monitoring. Where the initial determination shows employee exposures at or above the action level or above the STEL, the employer shall establish an exposure monitoring program for periodic monitoring of employee exposure to MC in accordance with Table 1:

Table 1

Six Initial Determination Exposure Scenarios and Their Associated Monitoring Frequencies

Exposure scenario	Required monitoring activity
Below the action level and at or below the STEL.	No 8-hour TWA or STEL monitoring required.
Below the action level and above the STEL.	No 8-hour TWA monitoring required; monitor STEL exposures every three months.
At or above the action level, at or below the TWA, and at or below the STEL.	Monitor 8-hour TWA exposures every six months.
At or above the action level, at or below the TWA, and above the STEL.	Monitor 8-hour TWA exposures every six months and monitor STEL exposures every three months.
Above the TWA and at or below the STEL.	Monitor 8-hour TWA exposures every three months. In addition, without regard to the last sentence of the note to subsection (3) of this section, the following employers must monitor STEL exposures every three months until either the date by which they must achieve the 8-hour TWAs PEL under subsection (3) of this section or the date by which they in fact achieve the 8-hour TWA PEL, whichever comes first: <ul style="list-style-type: none"> • Employers engaged in polyurethane foam manufacturing; • Foam fabrication; • Furniture refinishing;

Exposure scenario	Required monitoring activity
Above the TWA and above the STEL.	<ul style="list-style-type: none"> • General aviation aircraft stripping; • Product formulation; • Use of MC-based adhesives for boat building and repair; • Recreational vehicle manufacture, van conversion, or upholstery; and use of MC in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making, or floor refinishing and resurfacing. <p>Monitor both 8-hour TWA exposures and STEL exposures every three months.</p>

(Note to subsection (3)(c) of this section: The employer may decrease the frequency of exposure monitoring to every six months when at least 2 consecutive measurements taken at least 7 days apart show exposures to be at or below the 8-hour TWA PEL. The employer may discontinue the periodic 8-hour TWA monitoring for employees where at least two consecutive measurements taken at least 7 days apart are below the action level. The employer may discontinue the periodic STEL monitoring for employees where at least two consecutive measurements taken at least 7 days apart are at or below the STEL.)

(d) Additional monitoring.

(i) The employer shall perform exposure monitoring when a change in workplace conditions indicates that employee exposure may have increased. Examples of situations that may require additional monitoring include changes in production, process, control equipment, or work practices, or a leak, rupture, or other breakdown.

(ii) Where exposure monitoring is performed due to a spill, leak, rupture or equipment breakdown, the employer shall clean up the MC and perform the appropriate repairs before monitoring.

(e) Employee notification of monitoring results.

(i) The employer shall, within 15 working days after the receipt of the results of any monitoring performed under this section, notify each affected employee of these results in writing, either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever monitoring results indicate that employee exposure is above the 8-hour TWA PEL or the STEL, the employer shall describe in the written notification the corrective action being taken to reduce employee exposure to or below the 8-hour TWA PEL or STEL and the schedule for completion of this action.

(f) Observation of monitoring.

(i) Employee observation. The employer shall provide affected employees or their designated representatives an

PERMANENT

opportunity to observe any monitoring of employee exposure to MC conducted in accordance with this section.

(ii) Observation procedures. When observation of the monitoring of employee exposure to MC requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide, at no cost to the observer(s), and the observer(s) shall be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish a regulated area whenever an employee's exposure to airborne concentrations of MC exceeds or can reasonably be expected to exceed either the 8-hour TWA PEL or the STEL.

(b) The employer shall limit access to regulated areas to authorized persons.

(c) The employer shall supply a respirator, selected in accordance with subsection (7)(c) of this section, to each person who enters a regulated area and shall require each affected employee to use that respirator whenever MC exposures are likely to exceed the 8-hour TWA PEL or STEL.

(Note to subsection (5)(c) of this section: An employer who has implemented all feasible engineering, work practice and administrative controls (as required in subsection (6) of this section), and who has established a regulated area (as required by subsection (5)(a) of this section) where MC exposure can be reliably predicted to exceed the 8-hour TWA PEL or the STEL only on certain days (for example, because of work or process schedule) would need to have affected employees use respirators in that regulated area only on those days.)

(d) The employer shall ensure that, within a regulated area, employees do not engage in nonwork activities which may increase dermal or oral MC exposure.

(e) The employer shall ensure that while employees are wearing respirators, they do not engage in activities (such as taking medication or chewing gum or tobacco) which interfere with respirator seal or performance.

(f) The employer shall demarcate regulated areas from the rest of the workplace in any manner that adequately establishes and alerts employees to the boundaries of the area and minimizes the number of authorized employees exposed to MC within the regulated area.

(g) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to all other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering and work practice controls. The employer shall institute and maintain the effectiveness of engineering controls and work practices to reduce employee exposure to or below the PELs except to the extent that the employer can demonstrate that such controls are not feasible.

(b) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-TWA PEL or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (7) of this section.

(c) Prohibition of rotation. The employer shall not implement a schedule of employee rotation as a means of compliance with the PELs.

(d) Leak and spill detection.

(i) The employer shall implement procedures to detect leaks of MC in the workplace. In work areas where spills may occur, the employer shall make provisions to contain any spills and to safely dispose of any MC-contaminated waste materials.

(ii) The employer shall ensure that all incidental leaks are repaired and that incidental spills are cleaned promptly by employees who use the appropriate personal protective equipment and are trained in proper methods of cleanup.

(Note to subsection (6)(d)(ii) of this section: See Appendix A of this section for examples of procedures that satisfy this requirement. Employers covered by this standard may also be subject to the hazardous waste and emergency response provisions contained in WAC 296-62-3112.)

(7) Respiratory protection.

(a) General requirements. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods when an employee's exposure to MC exceeds or can reasonably be expected to exceed the 8-hour TWA PEL or the STEL (for example, when an employee is using MC in a regulated area);

(ii) Periods necessary to install or implement feasible engineering and work-practice controls;

(iii) In a few work operations, such as some maintenance operations and repair activities, for which the employer demonstrates that engineering and work practice controls are infeasible;

(iv) Work operations for which feasible engineering and work practice controls are not sufficient to reduce exposures to or below the PELs;

(v) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07131 (4)(b)(i) and (ii)).

(ii) Employers who provide employees with gas masks with organic-vapor canisters for the purpose of emergency escape must replace the canisters after any emergency use and before the gas masks are returned to service.

(c) Respirator selection. The employer must select appropriate atmosphere-supplying respirators from Table 2 of this section.

Table 2.—Minimum Requirements for Respiratory Protection for Airborne Methylene Chloride

Methylene chloride airborne concentration (ppm) or condition of use	Minimum respirator required ¹
Up to 625 ppm (25 X PEL)	(1) Continuous flow supplied-air respirator, hood or helmet.

PERMANENT

PERMANENT

Methylene chloride air-borne concentration (ppm) or condition of use	Minimum respirator required ¹
Up to 1250 ppm (50 X 8 hr TWA PEL)	(1) Full facepiece supplied-air respirator operated in negative pressure (demand) mode. (2) Full facepiece self-contained breathing apparatus (SCBA) operated in negative pressure (demand) mode.
Up to 5000 ppm (200 X 8-TWA PEL)	(1) Continuous flow supplied-air respirator, full facepiece. (2) Pressure demand supplied-air respirator, full facepiece. (3) Positive pressure full facepiece SCBA.
Unknown concentration, or above 5000 ppm (Greater than 200 X 8-TWA PEL)	(1) Positive pressure full facepiece SCBA. (2) Full facepiece pressure demand supplied-air respirator with an auxiliary self-contained air supply.
Fire fighting	Positive pressure full facepiece SCBA.
Emergency escape	(1) Any continuous flow or pressure demand SCBA. (2) Gas mask with organic vapor canister.

¹ Respirators assigned for higher airborne concentrations may be used at lower concentrations.

(d) Medical evaluation. Before having an employee use a supplied-air respirator in the negative-pressure mode, or a gas mask with an organic-vapor canister for emergency escape, the employer must:

(i) Have a physician or other licensed health care professional (PLHCP) evaluate the employee's ability to use such respiratory protection;

(ii) Ensure that the PLHCP provides their findings in a written opinion to the employee and the employer.

Note: See WAC 296-62-07150 through 296-62-07156 for medical evaluation requirements for employees using respirators.

(8) Protective work clothing and equipment.

(a) Where needed to prevent MC-induced skin or eye irritation, the employer shall provide clean protective clothing and equipment which is resistant to MC, at no cost to the employee, and shall ensure that each affected employee uses it. Eye and face protection shall meet the requirements of WAC ((296-24-078)) 296-800-160, as applicable.

(b) The employer shall clean, launder, repair and replace all protective clothing and equipment required by this subsection as needed to maintain their effectiveness.

(c) The employer shall be responsible for the safe disposal of such clothing and equipment.

(Note to subsection (8)(c) of this section: See Appendix A for examples of disposal procedures that will satisfy this requirement.)

(9) Hygiene facilities.

(a) If it is reasonably foreseeable that employees' skin may contact solutions containing 0.1 percent or greater MC (for example, through splashes, spills or improper work practices), the employer shall provide conveniently located washing facilities capable of removing the MC, and shall ensure that affected employees use these facilities as needed.

(b) If it is reasonably foreseeable that an employee's eyes may contact solutions containing 0.1 percent or greater MC (for example through splashes, spills or improper work practices), the employer shall provide appropriate eyewash facilities within the immediate work area for emergency use, and shall ensure that affected employees use those facilities when necessary.

(10) Medical surveillance.

(a) Affected employees. The employer shall make medical surveillance available for employees who are or may be exposed to MC as follows:

(i) At or above the action level on 30 or more days per year, or above the 8-hour TWA PEL or the STEL on 10 or more days per year;

(ii) Above the 8-TWA PEL or STEL for any time period where an employee has been identified by a physician or other licensed health care professional as being at risk from cardiac disease or from some other serious MC-related health condition and such employee requests inclusion in the medical surveillance program;

(iii) During an emergency.

(b) Costs. The employer shall provide all required medical surveillance at no cost to affected employees, without loss of pay and at a reasonable time and place.

(c) Medical personnel. The employer shall ensure that all medical surveillance procedures are performed by a physician or other licensed health care professional, as defined in subsection (2) of this section.

(d) Frequency of medical surveillance. The employer shall make medical surveillance available to each affected employee as follows:

(i) Initial surveillance. The employer shall provide initial medical surveillance under the schedule provided by subsection (14)(b)(iii) of this section, or before the time of initial assignment of the employee, whichever is later. The employer need not provide the initial surveillance if medical records show that an affected employee has been provided with medical surveillance that complies with this section within 12 months before December 1.

(ii) Periodic medical surveillance. The employer shall update the medical and work history for each affected employee annually. The employer shall provide periodic physical examinations, including appropriate laboratory surveillance, as follows:

(A) For employees 45 years of age or older, within 12 months of the initial surveillance or any subsequent medical surveillance; and

(B) For employees younger than 45 years of age, within 36 months of the initial surveillance or any subsequent medical surveillance.

(iii) Termination of employment or reassignment. When an employee leaves the employer's workplace, or is re-assigned to an area where exposure to MC is consistently at or below the action level and STEL, medical surveillance shall be made available if six months or more have elapsed since the last medical surveillance.

(iv) Additional surveillance. The employer shall provide additional medical surveillance at frequencies other than those listed above when recommended in the written medical opinion. (For example, the physician or other licensed health care professional may determine an examination is warranted in less than 36 months for employees younger than 45 years of age based upon evaluation of the results of the annual medical and work history.)

(e) Content of medical surveillance.

(i) Medical and work history. The comprehensive medical and work history shall emphasize neurological symptoms, skin conditions, history of hematologic or liver disease, signs or symptoms suggestive of heart disease (angina, coronary artery disease), risk factors for cardiac disease, MC exposures, and work practices and personal protective equipment used during such exposures.

(Note to subsection (10)(e)(i) of this section: See Appendix B of this section for an example of a medical and work history format that would satisfy this requirement.)

(ii) Physical examination. Where physical examinations are provided as required above, the physician or other licensed health care professional shall accord particular attention to the lungs, cardiovascular system (including blood pressure and pulse), liver, nervous system, and skin. The physician or other licensed health care professional shall determine the extent and nature of the physical examination based on the health status of the employee and analysis of the medical and work history.

(iii) Laboratory surveillance. The physician or other licensed health care professional shall determine the extent of any required laboratory surveillance based on the employee's observed health status and the medical and work history.

(Note to subsection (10)(e)(iii) of this section: See Appendix B of this section for information regarding medical tests. Laboratory surveillance may include before-and after-shift carboxyhemoglobin determinations, resting ECG, hematocrit, liver function tests and cholesterol levels.)

(iv) Other information or reports. The medical surveillance shall also include any other information or reports the physician or other licensed health care professional determines are necessary to assess the employee's health in relation to MC exposure.

(f) Content of emergency medical surveillance. The employer shall ensure that medical surveillance made available when an employee has been exposed to MC in emergency situations includes, at a minimum:

(i) Appropriate emergency treatment and decontamination of the exposed employee;

(ii) Comprehensive physical examination with special emphasis on the nervous system, cardiovascular system, lungs, liver and skin, including blood pressure and pulse;

(iii) Updated medical and work history, as appropriate for the medical condition of the employee; and

(iv) Laboratory surveillance, as indicated by the employee's health status.

(Note to subsection (10)(f)(iv) of this section: See Appendix B for examples of tests which may be appropriate.)

(g) Additional examinations and referrals. Where the physician or other licensed health care professional determines it is necessary, the scope of the medical examination shall be expanded and the appropriate additional medical surveillance, such as referrals for consultation or examination, shall be provided.

(h) Information provided to the physician or other licensed health care professional. The employer shall provide the following information to a physician or other licensed health care professional who is involved in the diagnosis of MC-induced health effects:

(i) A copy of this section including its applicable appendices;

(ii) A description of the affected employee's past, current and anticipated future duties as they relate to the employee's MC exposure;

(iii) The employee's former or current exposure levels or, for employees not yet occupationally exposed to MC, the employee's anticipated exposure levels and the frequency and exposure levels anticipated to be associated with emergencies;

(iv) A description of any personal protective equipment, such as respirators, used or to be used; and

(v) Information from previous employment-related medical surveillance of the affected employee which is not otherwise available to the physician or other licensed health care professional.

(i) Written medical opinions.

(i) For each physical examination required by this section, the employer shall ensure that the physician or other licensed health care professional provides to the employer and to the affected employee a written opinion regarding the results of that examination within 15 days of completion of the evaluation of medical and laboratory findings, but not more than 30 days after the examination. The written medical opinion shall be limited to the following information:

(A) The physician's or other licensed health care professional's opinion concerning whether exposure to MC may contribute to or aggravate the employee's existing cardiac, hepatic, neurological (including stroke) or dermal disease or whether the employee has any other medical condition(s) that would place the employee's health at increased risk of material impairment from exposure to MC;

(B) Any recommended limitations upon the employee's exposure to MC, removal from MC exposure, or upon the employee's use of protective clothing or equipment and respirators;

(C) A statement that the employee has been informed by the physician or other licensed health care professional that MC is a potential occupational carcinogen, of risk factors for heart disease, and the potential for exacerbation of underlying heart disease by exposure to MC through its metabolism to carbon monoxide; and

(D) A statement that the employee has been informed by the physician or other licensed health care professional of the results of the medical examination and any medical condi-

tions resulting from MC exposure which require further explanation or treatment.

(ii) The employer shall instruct the physician or other licensed health care professional not to reveal to the employer, orally or in the written opinion, any specific records, findings, and diagnoses that have no bearing on occupational exposure to MC.

(Note to subsection (10)(h)(ii) of this section: The written medical opinion may also include information and opinions generated to comply with other OSHA health standards.)

(j) Medical presumption. For purposes of this subsection (10), the physician or other licensed health care professional shall presume, unless medical evidence indicates to the contrary, that a medical condition is unlikely to require medical removal from MC exposure if the employee is not exposed to MC above the 8-hour TWA PEL. If the physician or other licensed health care professional recommends removal for an employee exposed below the 8-hour TWA PEL, the physician or other licensed health care professional shall cite specific medical evidence, sufficient to rebut the presumption that exposure below the 8-hour TWA PEL is unlikely to require removal, to support the recommendation. If such evidence is cited by the physician or other licensed health care professional, the employer must remove the employee. If such evidence is not cited by the physician or other licensed health care professional, the employer is not required to remove the employee.

(k) Medical removal protection (MRP).

(i) Temporary medical removal and return of an employee.

(A) Except as provided in (j) of this subsection, when a medical determination recommends removal because the employee's exposure to MC may contribute to or aggravate the employee's existing cardiac, hepatic, neurological (including stroke), or skin disease, the employer must provide medical removal protection benefits to the employee and either:

(I) Transfer the employee to comparable work where methylene chloride exposure is below the action level; or

(II) Remove the employee from MC exposure.

(B) If comparable work is not available and the employer is able to demonstrate that removal and the costs of extending MRP benefits to an additional employee, considering feasibility in relation to the size of the employer's business and the other requirements of this standard, make further reliance on MRP an inappropriate remedy, the employer may retain the additional employee in the existing job until transfer or removal becomes appropriate, provided:

(I) The employer ensures that the employee receives additional medical surveillance, including a physical examination at least every 60 days until transfer or removal occurs; and

(II) The employer or PLHCP informs the employee of the risk to the employee's health from continued MC exposure.

(C) The employer shall maintain in effect any job-related protective measures or limitations, other than removal, for as long as a medical determination recommends them to be necessary.

(ii) End of MRP benefits and return of the employee to former job status.

(A) The employer may cease providing MRP benefits at the earliest of the following:

(I) Six months;

(II) Return of the employee to the employee's former job status following receipt of a medical determination concluding that the employee's exposure to MC no longer will aggravate any cardiac, hepatic, neurological (including stroke), or dermal disease;

(III) Receipt of a medical determination concluding that the employee can never return to MC exposure.

(B) For the purposes of this subsection (10), the requirement that an employer return an employee to the employee's former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(I) Medical removal protection benefits.

(i) For purposes of this subsection (10), the term medical removal protection benefits means that, for each removal, an employer must maintain for up to six months the earnings, seniority, and other employment rights and benefits of the employee as though the employee had not been removed from MC exposure or transferred to a comparable job.

(ii) During the period of time that an employee is removed from exposure to MC, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iii) If a removed employee files a workers' compensation claim for a MC-related disability, the employer shall continue the MRP benefits required by this section until either the claim is resolved or the 6-month period for payment of MRP benefits has passed, whichever occurs first. To the extent the employee is entitled to indemnity payments for earnings lost during the period of removal, the employer's obligation to provide medical removal protection benefits to the employee shall be reduced by the amount of such indemnity payments.

(iv) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal from either a publicly or an employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(m) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to MC or otherwise places any limitation on an employee due to the effects of MC exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to those required by (l) of this subsection.

(n) Multiple health care professional review mechanism.

(i) If the employer selects the initial physician or licensed health care professional (PLHCP) to conduct any medical examination or consultation provided to an employee under (k) of this subsection, the employer shall

notify the employee of the right to seek a second medical opinion each time the employer provides the employee with a copy of the written opinion of that PLHCP.

(ii) If the employee does not agree with the opinion of the employer-selected PLHCP, notifies the employer of that fact, and takes steps to make an appointment with a second PLHCP within 15 days of receiving a copy of the written opinion of the initial PLHCP, the employer shall pay for the PLHCP chosen by the employee to perform at least the following:

(A) Review any findings, determinations or recommendations of the initial PLHCP; and

(B) Conduct such examinations, consultations, and laboratory tests as the PLHCP deems necessary to facilitate this review.

(iii) If the findings, determinations or recommendations of the second PLHCP differ from those of the initial PLHCP, then the employer and the employee shall instruct the two health care professionals to resolve the disagreement.

(iv) If the two health care professionals are unable to resolve their disagreement within 15 days, then those two health care professionals shall jointly designate a PLHCP who is a specialist in the field at issue. The employer shall pay for the specialist to perform at least the following:

(A) Review the findings, determinations, and recommendations of the first two PLHCPs; and

(B) Conduct such examinations, consultations, laboratory tests and discussions with the prior PLHCPs as the specialist deems necessary to resolve the disagreements of the prior health care professionals.

(v) The written opinion of the specialist shall be the definitive medical determination. The employer shall act consistent with the definitive medical determination, unless the employer and employee agree that the written opinion of one of the other two PLHCPs shall be the definitive medical determination.

(vi) The employer and the employee or authorized employee representative may agree upon the use of any expeditious alternate health care professional determination mechanism in lieu of the multiple health care professional review mechanism provided by this section so long as the alternate mechanism otherwise satisfies the requirements contained in this section.

(11) Hazard communication. The employer shall communicate the following hazards associated with MC on labels and in material safety data sheets in accordance with the requirements of the chemical hazard communication standard, WAC ((296-62-054)) 296-800-170: Cancer, cardiac effects (including elevation of carboxyhemoglobin), central nervous system effects, liver effects, and skin and eye irritation.

(12) Employee information and training.

(a) The employer shall provide information and training for each affected employee prior to or at the time of initial assignment to a job involving potential exposure to MC.

(b) The employer shall ensure that information and training is presented in a manner that is understandable to the employees.

(c) In addition to the information required under the chemical hazard communication standard at WAC ((296-62-054)) 296-800-170:

(i) The employer shall inform each affected employee of the requirements of this section and information available in its appendices, as well as how to access or obtain a copy of it in the workplace;

(ii) Wherever an employee's exposure to airborne concentrations of MC exceeds or can reasonably be expected to exceed the action level, the employer shall inform each affected employee of the quantity, location, manner of use, release, and storage of MC and the specific operations in the workplace that could result in exposure to MC, particularly noting where exposures may be above the 8-hour TWA PEL or STEL;

(d) The employer shall train each affected employee as required under the chemical hazard communication standard at WAC ((296-62-054)) 296-800-170, as appropriate.

(e) The employer shall re-train each affected employee as necessary to ensure that each employee exposed above the action level or the STEL maintains the requisite understanding of the principles of safe use and handling of MC in the workplace.

(f) Whenever there are workplace changes, such as modifications of tasks or procedures or the institution of new tasks or procedures, which increase employee exposure, and where those exposures exceed or can reasonably be expected to exceed the action level, the employer shall update the training as necessary to ensure that each affected employee has the requisite proficiency.

(g) An employer whose employees are exposed to MC at a multi-employer worksite shall notify the other employers with work operations at that site in accordance with the requirements of the chemical hazard communication standard, WAC ((296-62-054)) 296-800-170, as appropriate.

(h) The employer shall provide to the director, upon request, all available materials relating to employee information and training.

(13) Recordkeeping.

(a) Objective data.

(i) Where an employer seeks to demonstrate that initial monitoring is unnecessary through reasonable reliance on objective data showing that any materials in the workplace containing MC will not release MC at levels which exceed the action level or the STEL under foreseeable conditions of exposure, the employer shall establish and maintain an accurate record of the objective data relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The MC-containing material in question;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of MC;

(D) A description of the operation exempted under subsection (4)(b)(i) of this section and how the data support the exemption; and

(E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall establish and keep an accurate record of all measurements taken to monitor employee exposure to MC as prescribed in subsection (4) of this section.

(ii) Where the employer has 20 or more employees, this record shall include at least the following information:

(A) The date of measurement for each sample taken;

(B) The operation involving exposure to MC which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of personal protective equipment, such as respiratory protective devices, worn, if any; and

(F) Name, Social Security number, job classification and exposure of all of the employees represented by monitoring, indicating which employees were actually monitored.

(iii) Where the employer has fewer than 20 employees, the record shall include at least the following information:

(A) The date of measurement for each sample taken;

(B) Number, duration, and results of samples taken; and

(C) Name, Social Security number, job classification and exposure of all of the employees represented by monitoring, indicating which employees were actually monitored.

(iv) The employer shall maintain this record for at least thirty (30) years, in accordance with WAC 296-62-052.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under subsection (10) of this section.

(ii) The record shall include at least the following information:

(A) The name, Social Security number and description of the duties of the employee;

(B) Written medical opinions; and

(C) Any employee medical conditions related to exposure to MC.

(iii) The employer shall ensure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with WAC 296-62-052.

(d) Availability.

(i) The employer, upon written request, shall make all records required to be maintained by this section available to the director for examination and copying in accordance with WAC 296-62-052.

(Note to subsection (13)(d)(i) of this section: All records required to be maintained by this section may be kept in the most administratively convenient form (for example, electronic or computer records would satisfy this requirement).)

(ii) The employer, upon request, shall make any employee exposure and objective data records required by this section available for examination and copying by affected employees, former employees, and designated representatives in accordance with WAC 296-62-052.

(iii) The employer, upon request, shall make employee medical records required to be kept by this section available for examination and copying by the subject employee and by

anyone having the specific written consent of the subject employee in accordance with WAC 296-62-052.

(e) Transfer of records. The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(14) Dates.

(a) Engineering controls required under subsection (6)(a) of this section shall be implemented according to the following schedule:

(i) For employers with fewer than 20 employees, no later than April 10, 2000.

(ii) For employers with fewer than 150 employees engaged in foam fabrication; for employers with fewer than 50 employees engaged in furniture refinishing, general aviation aircraft stripping, and product formulation; for employers with fewer than 50 employees using MC-based adhesives for boat building and repair, recreational vehicle manufacture, van conversion, and upholstery; for employers with fewer than 50 employees using MC in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making and/or floor refinishing and resurfacing, no later than April 10, 2000.

(iii) For employers engaged in polyurethane foam manufacturing with 20 or more employees, no later than October 10, 1999.

(b) Use of respiratory protection whenever an employee's exposure to MC exceeds or can reasonably be expected to exceed the 8-hour TWA PEL, in accordance with subsection (3)(a), (5)(c), (6)(a) and (7)(a) of this section, shall be implemented according to the following schedule:

(i) For employers with fewer than 150 employees engaged in foam fabrication; for employers with fewer than 50 employees engaged in furniture refinishing, general aviation aircraft stripping, and product formulation; for employers with fewer than 50 employees using MC-based adhesives for boat building and repair, recreational vehicle manufacture, van conversion, and upholstery; for employers with fewer than 50 employees using MC in construction work for restoration and preservation of buildings, painting and paint removal, cabinet making and/or floor refinishing and resurfacing, no later than April 10, 2000.

(ii) For employers engaged in polyurethane foam manufacturing with 20 or more employees, no later than October 10, 1999.

(c) Notification of corrective action under subsection (4)(e)(ii) of this section, no later than 90 days before the compliance date applicable to such corrective action.

(d) Transitional dates. The exposure limits for MC specified in WAC 296-62-07515 Table 1, shall remain in effect until the start-up dates for the exposure limits specified in subsection (14) of this section, or if the exposure limits in this section are stayed or vacated.

(e) Unless otherwise specified in this subsection (14), all other requirements of this section shall be complied with immediately.

(15) Appendices. The information contained in the appendices does not, by itself, create any additional obligations not otherwise imposed or detract from any existing obligation.

AMENDATORY SECTION (Amending WSR 97-18-062, filed 9/2/97, effective 12/1/97)

WAC 296-62-07473 Appendix A. Substance Safety Data Sheet and Technical Guidelines for Methylene Chloride

I. Substance Identification

A. Substance: Methylene chloride (CH₂Cl₂).

B. Synonyms: MC, Dichloromethane (DCM); Methylene dichloride; Methylene bichloride; Methane dichloride; CAS: 75-09-2; NCI-C50102.

C. Physical data:

1. Molecular weight: 84.9.

2. Boiling point (760 mm Hg): 39.8 deg.C (104 deg.F).

3. Specific gravity (water=1): 1.3.

4. Vapor density (air=1 at boiling point): 2.9.

5. Vapor pressure at 20 deg. C (68 deg. F): 350 mm Hg.

6. Solubility in water, g/100 g water at 20 deg. C (68 deg. F)=1.32.

7. Appearance and odor: colorless liquid with a chloroform-like odor.

D. Uses: MC is used as a solvent, especially where high volatility is required. It is a good solvent for oils, fats, waxes, resins, bitumen, rubber and cellulose acetate and is a useful paint stripper and degreaser. It is used in paint removers, in propellant mixtures for aerosol containers, as a solvent for plastics, as a degreasing agent, as an extracting agent in the pharmaceutical industry and as a blowing agent in polyurethane foams. Its solvent property is sometimes increased by mixing with methanol, petroleum naphtha or tetrachloroethylene.

E. Appearance and odor: MC is a clear colorless liquid with a chloroform-like odor. It is slightly soluble in water and completely miscible with most organic solvents.

F. Permissible exposure: Exposure may not exceed 25 parts MC per million parts of air (25 ppm) as an eight-hour time-weighted average (8-hour TWA PEL) or 125 parts of MC per million parts of air (125 ppm) averaged over a 15-minute period (STEL).

II. Health Hazard Data

A. MC can affect the body if it is inhaled or if the liquid comes in contact with the eyes or skin. It can also affect the body if it is swallowed.

B. Effects of overexposure:

1. Short-term Exposure: MC is an anesthetic. Inhaling the vapor may cause mental confusion, light-headedness, nausea, vomiting, and headache. Continued exposure may cause increased light-headedness, staggering, unconsciousness, and even death. High vapor concentrations may also cause irritation of the eyes and respiratory tract. Exposure to MC may make the symptoms of angina (chest pains) worse. Skin exposure to liquid MC may cause irritation. If liquid MC remains on the skin, it may cause skin burns. Splashes of the liquid into the eyes may cause irritation.

2. Long-term (chronic) exposure: The best evidence that MC causes cancer is from laboratory studies in which rats, mice and hamsters inhaled MC 6 hours per day, 5 days per week for 2 years. MC exposure produced lung and liver tumors in mice and mammary tumors in rats. No carcinogenic effects of MC were found in hamsters. There are also some human epidemiological studies which show an associa-

tion between occupational exposure to MC and increases in biliary (bile duct) cancer and a type of brain cancer. Other epidemiological studies have not observed a relationship between MC exposure and cancer. WISHA interprets these results to mean that there is suggestive (but not absolute) evidence that MC is a human carcinogen.

C. Reporting signs and symptoms: You should inform your employer if you develop any signs or symptoms and suspect that they are caused by exposure to MC.

D. Warning Properties:

1. Odor Threshold: Different authors have reported varying odor thresholds for MC. Kirk-Othmer and Sax both reported 25 to 50 ppm; Summer and May both reported 150 ppm; Spector reports 320 ppm. Patty, however, states that since one can become adapted to the odor, MC should not be considered to have adequate warning properties.

2. Eye Irritation Level: Kirk-Othmer reports that "MC vapor is seriously damaging to the eyes." Sax agrees with Kirk-Othmer's statement. The ACGIH Documentation of TLVs states that irritation of the eyes has been observed in workers exposed to concentrations up to 5000 ppm.

3. Evaluation of Warning Properties: Since a wide range of MC odor thresholds are reported (25-320 ppm), and human adaptation to the odor occurs, MC is considered to be a material with poor warning properties.

III. Emergency First Aid Procedures

In the event of emergency, institute first aid procedures and send for first aid or medical assistance.

A. Eye and Skin Exposures: If there is a potential for liquid MC to come in contact with eye or skin, face shields and skin protective equipment must be provided and used. If liquid MC comes in contact with the eye, get medical attention. Contact lenses should not be worn when working with this chemical.

B. Breathing: If a person breathes in large amounts of MC, move the exposed person to fresh air at once. If breathing has stopped, perform cardiopulmonary resuscitation. Keep the affected person warm and at rest. Get medical attention as soon as possible.

C. Rescue: Move the affected person from the hazardous exposure immediately. If the exposed person has been overcome, notify someone else and put into effect the established emergency rescue procedures. Understand the facility's emergency rescue procedures and know the locations of rescue equipment before the need arises. Do not become a casualty yourself.

IV. Respirators, Protective Clothing, and Eye Protection

A. Respirators: Good industrial hygiene practices recommend that engineering controls be used to reduce environmental concentrations to the permissible exposure level. However, there are some exceptions where respirators may be used to control exposure. Respirators may be used when engineering and work practice controls are not feasible, when such controls are in the process of being installed, or when these controls fail and need to be supplemented. Respirators may also be used for operations which require entry into tanks or closed vessels, and in emergency situations. If the use of respirators is necessary, the only respirators permitted are those that have been approved by the National Institute for Occupational Safety and Health (NIOSH). Supplied-air

PERMANENT

respirators are required because air-purifying respirators do not provide adequate respiratory protection against MC. In addition to respirator selection, a complete written respiratory protection program should be instituted which includes regular training, maintenance, inspection, cleaning, and evaluation. If you can smell MC while wearing a respirator, proceed immediately to fresh air. If you experience difficulty in breathing while wearing a respirator, tell your employer.

B. Protective Clothing: Employees must be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent repeated or prolonged skin contact with liquid MC or contact with vessels containing liquid MC. Any clothing which becomes wet with liquid MC should be removed immediately and not reworn until the employer has ensured that the protective clothing is fit for reuse. Contaminated protective clothing should be placed in a regulated area designated by the employer for removal of MC before the clothing is laundered or disposed of. Clothing and equipment should remain in the regulated area until all of the MC contamination has evaporated; clothing and equipment should then be laundered or disposed of as appropriate.

C. Eye Protection: Employees should be provided with and required to use splash-proof safety goggles where liquid MC may contact the eyes.

V. Housekeeping and Hygiene Facilities

For purposes of complying with WAC 296-24-120, 296-800-220 and 296-800-230, the following items should be emphasized:

A. The workplace should be kept clean, orderly, and in a sanitary condition. The employer should institute a leak and spill detection program for operations involving liquid MC in order to detect sources of fugitive MC emissions.

B. Emergency drench showers and eyewash facilities are recommended. These should be maintained in a sanitary condition. Suitable cleansing agents should also be provided to assure the effective removal of MC from the skin.

C. Because of the hazardous nature of MC, contaminated protective clothing should be placed in a regulated area designated by the employer for removal of MC before the clothing is laundered or disposed of.

VI. Precautions for Safe Use, Handling, and Storage

A. Fire and Explosion Hazards: MC has no flash point in a conventional closed tester, but it forms flammable vapor-air mixtures at approximately 100 deg.C (212 deg.F), or higher. It has a lower explosion limit of 12%, and an upper explosion limit of 19% in air. It has an autoignition temperature of 556.1 deg.C (1033 deg.F), and a boiling point of 39.8 deg.C (104 deg.F). It is heavier than water with a specific gravity of 1.3. It is slightly soluble in water.

B. Reactivity Hazards: Conditions contributing to the instability of MC are heat and moisture. Contact with strong oxidizers, caustics, and chemically active metals such as aluminum or magnesium powder, sodium and potassium may cause fires and explosions. Special precautions: Liquid MC will attack some forms of plastics, rubber, and coatings.

C. Toxicity: Liquid MC is painful and irritating if splashed in the eyes or if confined on the skin by gloves, clothing, or shoes. Vapors in high concentrations may cause

narcosis and death. Prolonged exposure to vapors may cause cancer or exacerbate cardiac disease.

D. Storage: Protect against physical damage. Because of its corrosive properties, and its high vapor pressure, MC should be stored in plain, galvanized or lead lined, mild steel containers in a cool, dry, well ventilated area away from direct sunlight, heat source and acute fire hazards.

E. Piping Material: All piping and valves at the loading or unloading station should be of material that is resistant to MC and should be carefully inspected prior to connection to the transport vehicle and periodically during the operation.

F. Usual Shipping Containers: Glass bottles, 5- and 55-gallon steel drums, tank cars, and tank trucks.

Note: This section addresses MC exposure in marine terminal and longshore employment only where leaking or broken packages allow MC exposure that is not addressed through compliance with WAC 296-56.

G. Electrical Equipment: Electrical installations in Class I hazardous locations as defined in Article 500 of the National Electrical Code, should be installed according to Article 501 of the code; and electrical equipment should be suitable for use in atmospheres containing MC vapors. See Flammable and Combustible Liquids Code (NFPA No. 325M), Chemical Safety Data Sheet SD-86 (Manufacturing Chemists' Association, Inc.).

H. Fire Fighting: When involved in fire, MC emits highly toxic and irritating fumes such as phosgene, hydrogen chloride and carbon monoxide. Wear breathing apparatus and use water spray to keep fire-exposed containers cool. Water spray may be used to flush spills away from exposures. Extinguishing media are dry chemical, carbon dioxide, foam. For purposes of compliance with WAC 296-24-956, locations classified as hazardous due to the presence of MC shall be Class I.

I. Spills and Leaks: Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until cleanup has been completed. If MC has spilled or leaked, the following steps should be taken:

1. Remove all ignition sources.
2. Ventilate area of spill or leak.
3. Collect for reclamation or absorb in vermiculite, dry sand, earth, or a similar material.

J. Methods of Waste Disposal: Small spills should be absorbed onto sand and taken to a safe area for atmospheric evaporation. Incineration is the preferred method for disposal of large quantities by mixing with a combustible solvent and spraying into an incinerator equipped with acid scrubbers to remove hydrogen chloride gases formed. Complete combustion will convert carbon monoxide to carbon dioxide. Care should be taken for the presence of phosgene.

K. You should not keep food, beverage, or smoking materials, or eat or smoke in regulated areas where MC concentrations are above the permissible exposure limits.

L. Portable heating units should not be used in confined areas where MC is used.

M. Ask your supervisor where MC is used in your work area and for any additional plant safety and health rules.

VII. Medical Requirements

Your employer is required to offer you the opportunity to participate in a medical surveillance program if you are

exposed to MC at concentrations at or above the action level (12.5 ppm 8-hour TWA) for more than 30 days a year or at concentrations exceeding the PELs (25 ppm 8-hour TWA or 125 ppm 15-minute STEL) for more than 10 days a year. If you are exposed to MC at concentrations over either of the PELs, your employer will also be required to have a physician or other licensed health care professional ensure that you are able to wear the respirator that you are assigned. Your employer must provide all medical examinations relating to your MC exposure at a reasonable time and place and at no cost to you.

VIII. Monitoring and Measurement Procedures

A. Exposure above the Permissible Exposure Limit:

1. Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this section are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's breathing zone.

2. Monitoring techniques: The sampling and analysis under this section may be performed by collection of the MC vapor on two charcoal adsorption tubes in series or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as real-time continuous monitoring systems, portable direct reading instruments, or passive dosimeters as long as measurements taken using these methods accurately evaluate the concentration of MC in employees' breathing zones. OSHA method 80 is an example of a validated method of sampling and analysis of MC. Copies of this method are available from OSHA or can be downloaded from the Internet at <http://www.osha.gov>. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his or her unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of MC at or above 25 ppm, and to plus or minus 35 percent for concentrations at or below 25 ppm. In addition to OSHA method 80, there are numerous other methods available for monitoring for MC in the workplace.

B. Since many of the duties relating to employee exposure are dependent on the results of measurement procedures, employers must assure that the evaluation of employee exposure is performed by a technically qualified person.

IX. Observation of Monitoring

Your employer is required to perform measurements that are representative of your exposure to MC and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear, protective clothing and equipment.

Access To Information

A. Your employer is required to inform you of the information contained in this Appendix. In addition, your employer must instruct you in the proper work practices for using MC, emergency procedures, and the correct use of protective equipment.

B. Your employer is required to determine whether you are being exposed to MC. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being over exposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits.

C. Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least thirty (30) years.

D. Your employer is required to release your exposure and medical records to you or your representative upon your request.

E. Your employer is required to provide labels and material safety data sheets (MSDS) for all materials, mixtures or solutions composed of greater than 0.1 percent MC. An example of a label that would satisfy these requirements would be:

**Danger Contains Methylene Chloride
Potential Cancer Hazard**

**May worsen heart disease because methylene chloride is converted to carbon monoxide in the body.
May cause dizziness, headache, irritation of the throat and lungs, loss of consciousness and death at high concentrations (for example, if used in a poorly ventilated room).**

Avoid Skin Contact. Contact with liquid causes skin and eye irritation.

X. Common Operations and Controls

The following list includes some common operations in which exposure to MC may occur and control methods which may be effective in each case:

Operations	Controls
Use as solvent in paint and varnish removers cold cleaning and ultrasonic cleaning, and as a solvent in furniture stripping.	General dilution ventilation; local; manufacture of aerosols; cold cleaning exhaust ventilation; personal protective equipment; substitution.
Use as solvent in vapor degreasing.	Process enclosure; local exhaust ventilation; chilling coils; substitution.
Use as a secondary refrigerant in air scientific testing.	General dilution ventilation; local conditioning and exhaust ventilation; personal protective equipment.

PERMANENT

AMENDATORY SECTION (Amending Order 81-19, filed 7/27/81)

WAC 296-62-07519 Thiram. (1) Scope and application. This section applies to occupational exposure to thiram (tetramethylthiuram disulfide), in addition to those requirements listed in WAC 296-62-07515. Nothing in this section shall preclude the application of other appropriate standards and regulations to minimize worker exposure to thiram.

(2) Definitions. The following definitions are applicable to this section:

(a) Clean - the absence of dirt or materials which may be harmful to a worker's health.

(b) Large seedlings - those seedlings of such size, either by length or breadth, that it is difficult to avoid contact of the thiram treated plant with the mouth or face during planting operations.

(3) General requirements.

(a) Workers should not be allowed to work more than five days in any seven day period with or around the application of thiram or thiram treated seedlings.

(b) Washing and worker hygiene.

(i) Workers shall wash their hands prior to eating or smoking at the close of work.

(ii) Warm (at least 85°F, 29.4°C) wash water and single use hand wiping materials shall be provided for washing.

(iii) The warm water and hand wiping materials shall be at fixed work locations or at the planting unit.

(iv) Where warm water is not available within 15 minutes travel time, nonalcoholic based waterless hand cleaner shall be provided.

(v) Every planter or nursery worker shall be advised to bathe or shower daily.

(vi) The inside of worker carrying vehicles shall be washed or vacuumed and wiped down at least weekly during the period of thiram use.

(c) Personal protective measures.

(i) Clothing shall be worn by workers to reduce skin contact with thiram to the legs, arms and torso.

(ii) For those workers who have thiram skin irritations, exposed areas of the body shall be protected by a suitable barrier cream.

(iii) Clothing worn by workers shall be washed or changed at least every other day.

(iv) Only impervious gloves may be worn by workers.

(v) Workers hands should be clean of thiram before placing them into gloves.

(vi) Thiram applicators shall be provided with and use respiratory protection in accordance with WAC 296-62-071, disposable coveralls or rubber slickers or other impervious clothing, rubberized boots, head covers and rubberized gloves.

(vii) Nursery workers, other than applicators, who are likely to be exposed to thiram shall be provided with and use disposable coveralls or rubber slickers or other impervious clothing, impervious footwear and gloves, and head covers in accordance with WAC ((296-24-075)) 296-800-160, unless showers have been provided and are used.

(viii) Eye protection according to WAC ((296-24-078)) 296-800-160, shall be provided and worn by workers who

may be exposed to splashes of thiram during spraying, plug bundling, belt line grading and plugging or other operations.

(ix) Item (viii) of this subdivision need not be complied with where pressurized emergency eye wash fountains are within 10 seconds travel time of the work location. (Approved respirator - see WAC 296-62-071.)

(x) A dust mask shall be worn, when planting large seedlings, to avoid mouth and face contact with the thiram treated plant unless equally effective measures or planting practices have been established.

(d) Food handling.

(i) Food snacks, beverages, smoking materials, or any other item which is consumed shall not be stored or consumed in the packing area of the nursery.

(ii) Worker carrying vehicles shall have a clean area for carrying lunches.

(iii) The clean area of the vehicle shall be elevated from the floor and not used to carry other than food or other consumable items.

(iv) The carrying of lunches, food or other consumable items in tree planting bags is prohibited.

(v) Care shall be taken to insure that worker exposure to thiram spray, including downwind driftings, is minimized or eliminated.

(vi) When bags that contained thiram or thiram treated seedlings are burned, prevent worker exposure to the smoke.

(e) Thiram use and handling.

(i) Thiram treated seedlings shall be allowed to dry or stabilize prior to packing.

(ii) Seedlings shall be kept moist during packing and whenever possible during planting operations.

(iii) Floors, where thiram is used, shall not be dry swept but instead vacuumed, washed or otherwise cleaned at least daily.

(iv) Silica chips used to cover thiram treated seedling plugs shall be removed at the nursery.

(f) Training.

(i) Each worker engaged in operations where exposure to thiram may occur shall be provided training on the hazards of thiram, as well as the necessary precautions for its safe use and handling.

(ii) The training shall include instruction in:

(A) The nature of the health hazard(s) from exposure to thiram including specifically the potential for alcohol intolerance, drug interaction, and skin irritation;

(B) The specific nature of operations which could result in exposure to thiram and the necessary protective steps;

(C) The purpose for, proper use, and limitations of protective devices including respirators and clothing;

(D) The necessity for and requirements of good personal hygiene; and

(E) A review of the thiram rules at the worker's first training and indoctrination, and annually thereafter.

(4) Effective date. This standard shall become effective 30 days after being filed with the code reviser.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07521 Lead. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) General requirements.

(a) Employers will assess the hazards of lead in the workplace and provide information to the employees about the hazards of the lead exposures to which they may be exposed.

(b) Information provided shall include:

(i) Exposure monitoring (including employee notification);

(ii) Written compliance programs;

(iii) Respiratory protection programs;

(iv) Personnel protective equipment and housekeeping;

(v) Medical surveillance and examinations;

(vi) Training requirements;

(vii) Recordkeeping requirements.

(4) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g}/\text{m}^3) = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (7) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(5) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (5), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (5)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one

sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (5)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (5)(b) and (5)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (5)(b) and (5)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (5)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (5)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue

monitoring for that employee except as otherwise provided in subdivision (5)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (5)(f)(ii), except as otherwise provided in subdivision (5)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 µg/m³.

(6) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 µg/m³, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 µg/m³.

TABLE I

Industry	Compliance dates: ¹ (50 µg/m ³)
Lead chemicals, secondary copper smelting.	July 19, 1996
Nonferrous foundries	July 19, 1996. ²
Brass and bronze ingot manufacture.	6 years. ³

¹ Calculated by counting from the date the stay on implementation of subsection (6)(a) was lifted by the U.S. Court of Appeals for the District of Columbia, the number of years specified in the 1978 lead standard and subsequent amendments for compliance with the PEL of 50 µg/m³ for exposure to airborne concentrations of lead levels for the particular industry.

² Large nonferrous foundries (20 or more employees) are required to achieve the PEL of 50 µg/m³ by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees) are required to achieve an 8-hour TWA of 75 µg/m³ by such controls.

³ Expressed as the number of years from the date on which the Court lifts the stay on the implementation of subsection (6)(a) for this industry for employers to achieve a lead in air concentration of 75 µg/m³. Compliance with subsection (6) in this industry is determined by a compliance directive that incorporates elements from the settlement agreement between OSHA and representatives of the industry.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (7).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (6)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8), (9) and (10) of this regulation;

(G) An administrative control schedule required by subdivision (6)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for exami-

PERMANENT

nation and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(e) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement engineering or work-practice controls;

(ii) Work operations for which engineering and work-practice controls are not sufficient to reduce exposures to or below the permissible exposure limit;

(iii) Periods when an employee requests a respirator.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by subsection (11)(c)(ii)(C) of this section to determine whether or not the employee can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must select the appropriate respirator or combination of respirators from Table II of this section.

(ii) The employer must provide a powered air-purifying respirator instead of the respirator specified in Table II of this section when an employee chooses to use this type of respira-

tor and that such a respirator provides adequate protection to the employee.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied-air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: ¹ Respirators specified for high concentrations can be used at lower concentrations of lead.

² Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³ A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(8) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets;

and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC ((296-24-078)) 296-800-160.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (8)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (8)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (10)(b) of this section.

PERMANENT

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (8)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD.
DO NOT REMOVE DUST BY BLOWING OR SHAKING.
DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(9) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(10) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (10)(b) through (10)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (10)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC ((296-24-12009 (1) and (2))) 296-800-230.

(11) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (11)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (11)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 µg/100 g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 µg/100 g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i)(A), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6

µg/100 ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 µg/100 g: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 µg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (11)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(I) Blood lead level;

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(III) Zinc protoporphyrin;

(IV) Blood urea nitrogen; and

(V) Serum creatinine;

(E) A routine urinalysis with microscopic examination;

and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (11)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(I) To review any findings, determinations or recommendations of the initial physician; and

(II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(I) The employee informing the employer that he or she intends to seek a second medical opinion, and

(II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(I) To review any findings, determinations or recommendations of the prior physicians; and

(II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(I) A copy of this regulation for lead including all appendices;

(II) A description of the affected employee's duties as they relate to the employee's exposure;

(III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(IV) A description of any personal protective equipment used or to be used;

(V) Prior blood lead determinations; and

(VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (11)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(12) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 $\mu\text{g}/100\text{ g}$ of whole blood; and

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100\text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100\text{ g}$, or due to an average blood lead level at or above 50 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood;

(II) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medi-

cal determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (12)(b)(i) of this section.

(13) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (13)(a)(ii) on the standard's effective date.

tive date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (13)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(14) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(15) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (11) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (11) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (12) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (15) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (15) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(16) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(a) Appendix A. Substance Data Sheet for Occupational Exposure to Lead.

(i) Substance identification.

(A) Substance. Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

(B) Compounds covered by the standard. The word "lead" when used in this standard means elemental lead, all inorganic lead compounds (except those which are not biologically available due to either solubility or specific chemical interaction), and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

(C) Uses. Exposure to lead occurs in at least 120 different occupations, including primary and secondary lead smelting, lead storage battery manufacturing, lead pigment manufacturing and use, solder manufacturing and use, shipbuilding and ship repairing, auto manufacturing, and printing.

(D) Permissible exposure. The Permissible Exposure Limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air ($50 \mu\text{g}/\text{m}^3$), averaged over an eight-hour work day.

(E) Action level. The standard establishes an action level of 30 micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) time weighted average, based on an eight-hour work day. The action level initiates several requirements of the standard, such as exposure monitoring, medical surveillance, and training and education.

(ii) Health hazard data.

(A) Ways in which lead enters your body.

(I) When absorbed into your body in certain doses lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed.

(II) Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume or mist, it can be inhaled and absorbed through your lungs and upper respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb lead through your digestive system if lead gets into your mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up which have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion.

(III) A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered

out of your body and excreted, but some remains in your blood and other tissue. As exposure to lead continues, the amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

(B) Effects of overexposure to lead.

(I) Short-term (acute) overexposure. Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may arise which develops quickly to seizures, coma, and death from cardiorespiratory arrest. A short-term dose of lead can lead to acute encephalopathy. Short-term occupational exposures of this magnitude are highly unusual, but not impossible. Similar forms of encephalopathy may, however arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease which arise after periods of exposure as short as days or as long as several years.

(II) Long-term (chronic) overexposure.

a) Chronic overexposure to lead may result in severe damage to your blood-forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain.

b) Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic "wrist drop" or "foot drop" and is a manifestation of a disease to the nervous system called peripheral neuropathy.

c) Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost. When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression of kidney dialysis or death is possible.

d) Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and

stillbirth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood.

e) Overexposure to lead also disrupts the blood-forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(III) Health protection goals of the standard.

a) Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that worker blood lead (PbB) levels be maintained at or below forty micrograms per one hundred grams of whole blood (40 $\mu\text{g}/100\text{g}$). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 $\mu\text{g}/100\text{g}$ to minimize adverse reproductive health effects to the parents and to the developing fetus.

b) The measurement of your blood lead level is the most useful indicator of the amount of lead absorbed by your body. Blood lead levels (PbB) are most often reported in units of milligrams (mg) or micrograms (μg) of lead (1 mg=1000 μg) per 100 grams (100g), 100 milliliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometimes PbB's are expressed in the form of mg% or $\mu\text{g}\%$. This is a shorthand notation for 100g, 100ml, or dl.

c) PbB measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. PbB measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead-related diseases, however, has focused heavily on associations between PbBs and various diseases. As a result, your PbB is an important indicator of the likelihood that you will gradually acquire a lead-related health impairment or disease.

d) Once your blood lead level climbs above 40 $\mu\text{g}/100\text{g}$, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular PbB in a given person will cause a particular effect. Studies have associated fatal encephalopathy with PbBs as low as 150 $\mu\text{g}/100\text{g}$. Other studies have shown other forms of disease in some workers with PbBs well below 80 $\mu\text{g}/100\text{g}$. Your PbB is a crucial indicator of the risks to your health, but one other factor is extremely important. This factor is the length of time you have had elevated PbBs. The longer you have an elevated PbB, the greater the risk that large quantities of lead are being gradually stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage.

e) The best way to prevent all forms of lead-related impairments and diseases—both short-term and long-term—is to maintain your PbB below 40 $\mu\text{g}/100\text{g}$. The provisions of the standard are designed with this end in mind. Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own action, and seeing that your employer complies with the provisions governing his actions.

(IV) Reporting signs and symptoms of health problems. You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead on your ability to have a healthy child. You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place.

(b) Appendix B. Employee Standard Summary. This appendix summarizes key provisions of the standard that you as a worker should become familiar with. The appendix discusses the entire standard.

(i) Permissible exposure limit (PEL). The standard sets a permissible exposure limit (PEL) of fifty micrograms of lead per cubic meter of air ($50 \mu\text{g}/\text{m}^3$), averaged over an eight-hour workday. This is the highest level of lead in air to which you may be permissibly exposed over an eight-hour workday. Since it is an eight-hour average it permits short exposures above the PEL so long as for each eight-hour workday your average exposure does not exceed the PEL.

(ii) Exposure monitoring.

(A) If lead is present in the work place where you work in any quantity, your employer is required to make an initial determination of whether the action level is exceeded for any employee. The initial determination must include instrument monitoring of the air for the presence of lead and must cover the exposure of a representative number of employees who are reasonably believed to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past year he may use these results. If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level ($30 \mu\text{g}/\text{m}^3$) your employer must set up an air monitoring program to determine the exposure level of every employee exposed to lead at your work place.

(B) In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but he or she must monitor a representative num-

ber of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represented by at least one full shift (at least seven hours) air sample. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead.

(C) If you are exposed to lead and air sampling is performed, your employer is required to quickly notify you in writing of air monitoring results which represent your exposure. If the results indicate your exposure exceeds the PEL (without regard to your use of respirators), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that will be taken to reduce your exposure.

(D) Your exposure must be rechecked by monitoring every six months if your exposure is over the action level but below the PEL. Air monitoring must be repeated every three months if you are exposed over the PEL. Your employer may discontinue monitoring for you if two consecutive measurements, taken at least two weeks apart, are below the action level. However, whenever there is a production, process, control, or personnel change at your work place which may result in new or additional exposure to lead, or whenever there is any other reason to suspect a change which may result in new or additional exposure to lead, your employer must perform additional monitoring.

(iii) Methods of compliance. Your employer is required to assure that no employee is exposed to lead in excess of the PEL. The standard establishes a priority of methods to be used to meet the PEL.

(iv) Respiratory protection.

(A) Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level does not exceed the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

(B) Your employer is required to select respirators from the seven types listed in Table II of the respiratory protection section of this standard (see subsection (7)(c) of this section). Any respirator chosen must be certified by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your employer to choose a type of respirator which will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your work place. For example, a powered air purifying respirator (PAPR) is much more protective than a typical negative-pres-

sure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge or canister to clean the air, and a power source which continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

(C) Your employer must also start a respiratory protection program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

(D) Your employer must assure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical to your protection against air borne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that facepiece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as required in chapter 296-62 WAC, Part E.

(E) You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

(F) The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator facepiece whenever necessary to prevent skin irritation. If you ever have difficulty breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

(v) Protective work clothing and equipment. If you are exposed to lead above the PEL, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu\text{g}/\text{m}^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. He or she is responsible for providing repairs and replacement as necessary and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment. Contaminated work clothing or equipment must be removed in change rooms and not worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc. Contaminated clothing which is to be cleaned, laundered or disposed of must be placed in closed containers in the change room. At no time may lead be removed from

protective clothing or equipment by any means which disperses lead into the work room air.

(vi) Housekeeping. Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is absolutely prohibited. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used and emptied in a manner which minimizes the reentry of lead into the work place.

(vii) Hygiene facilities and practices.

(A) The standard requires that change rooms, showers and filtered air lunchrooms be constructed and made available to workers exposed to lead above the PEL. When the PEL is exceeded, the employer must assure that food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in these facilities. Change rooms, showers and lunchrooms, must be used by workers exposed in excess of the PEL. After showering, no clothing or equipment worn during the shift may be worn home and this includes shoes and underwear. Your own clothing worn during the shift should be carried home and cleaned carefully so that it does not contaminate your home. Lunchrooms may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth or other cleaning methods. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

(B) All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

(viii) Medical surveillance.

(A) The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have effectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers (I) who have high body burdens of lead acquired over past years, (II) who have additional uncontrolled sources of nonoccupational lead exposure, (III) who exhibit unusual variations in lead absorption rates, or (IV) who have specific nonwork related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability - regardless of whether you are a man or a woman.

(B) All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts - periodic biological monitoring, and medical examinations.

(C) Your employer's obligation to offer medical surveillance is triggered by the results of the air monitoring program. Medical surveillance must be made available to all employees who are exposed in excess of the action level for more than 30 days a year. The initial phase of the medical surveillance program, which included blood lead level tests and medical examinations, must be completed for all covered employees no later than 180 days from the effective date of this standard. Priority within this first round of medical surveillance must be given to employees whom the employer believes to be at greatest risk from continued exposure (for example, those with the longest prior exposure to lead, or those with the highest current exposure). Thereafter, the employer must periodically make medical surveillance - both biological monitoring and medical examinations - available to all covered employees.

(D) Biological monitoring under the standard consists of blood lead level (PbB) and zinc protoporphyrin tests at least every six months after the initial PbB test. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an effect of lead on your body. If a worker's PbB exceeds 40 $\mu\text{g}/100\text{g}$, the monitoring frequency must be increased from every six months to at least every two months and not reduced until two consecutive PbBs indicate a blood lead level below 40 $\mu\text{g}/100\text{g}$. Each time your PbB is determined to be over 40 $\mu\text{g}/100\text{g}$, your employer must notify you of this in writing within five working days of the receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your PbB exceeds certain criteria (see Discussion of Medical Removal Protection - subsection (12)). During the first year of the standard, this removal criterion is 80 $\mu\text{g}/100\text{g}$. Anytime your PbB exceeds 80 $\mu\text{g}/100\text{g}$ your employer must make available to you a prompt follow-up PbB test to ascertain your PbB. If the two tests both exceed 80 $\mu\text{g}/100\text{g}$ and you are temporarily removed, then your employer must make successive PbB tests available to you on a monthly basis during the period of your removal.

(E) Medical examinations beyond the initial one must be made available on an annual basis if your blood lead levels exceeds 40 $\mu\text{g}/100\text{g}$ at any time during the preceding year. The initial examination will provide information to establish a baseline to which subsequent data can be compared. An initial medical examination must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be

provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

(F) Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard (see item (ix) below).

(G) The standard specifies the minimum content of pre-assignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Pre-assignment and annual medical examinations must include (I) a detailed work history and medical history, (II) a thorough physical examination, and (III) a series of laboratory tests designed to check your blood chemistry and your kidney function. In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

(H) The standard does not require that you participate in any of the medical procedures, tests, etc., which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. Generally, your employer will choose the physician who conducts medical surveillance under the lead standard - unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

(I) The standard requires your employer to provide certain information to a physician to aid in his or her examination of you. This information includes (I) the standard and its appendices, (II) a description of your duties as they relate to lead exposure, (III) your exposure level, (IV) a description of personal protective equipment you wear, (V) prior blood level results, and (VI) prior written medical opinions concerning you that the employer has. After a medical examination or consultation the physician must prepare a written report which must contain (I) the physician's opinion as to whether you have any medical conditions which places you at increased risk of material impairment to health from exposure to lead, (II) any recommended special protective measures to be provided to you, (III) any blood lead level determinations, and (IV) any recommended limitation on your use of respirators. This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

(J) The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true these workers might have legal rights to compensation from public agencies, their employers, firms that supply haz-

ardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker to learn of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that WISHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job-related disease or impairment, it is proper for WISHA to make you aware of this.

(K) The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na₂EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

(L) The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be safe. It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

(M) The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation, involves giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

(N) In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a

potentially harmful treatment, and allow you to obtain a second opinion.

(ix) Medical removal protection.

(A) Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights of benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. Up to eighteen months of protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires. The standard contains special provisions to deal with the extraordinary but possible case where a long-term worker's blood lead level does not adequately decline during eighteen months of removal.

(B) During the first year of the standard, if your blood lead level is 80 µg/100g or above you must be removed from any exposure where your air lead level without a respirator would be 100 µg/m³ or above. If you are removed from your normal job you may not be returned until your blood lead level declines to at least 60 µg/100g. These criteria for removal and return will change according to the following schedule:

TABLE I

Effective Date	Removal Blood Level (µg/100g)	Air Lead (µg/m ³)	Return Blood Lead (µg/100g)
9/6/81	At or above 70	50 or above	At or below 50
9/6/82	At or above 60	30 or above	At or below 40
9/6/84	At or above 50 averaged over six months	30 or above	At or below 40

(C) You may also be removed from exposure even if your blood lead levels are below these criteria if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employer's medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the physician indicates it is safe for you to do so.

(D) The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a

PERMANENT

removed worker is provided no right to veto an employer's choice which satisfies the standard.

(E) In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or he or she may be temporarily laid off if no other alternative is feasible.

(F) In all of these situations, MRP benefits must be provided during the period of removal - i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings include more than just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the physician believes to be appropriate. If you do not participate in this follow-up medical surveillance, you may lose your eligibility for MRP benefits.

(G) When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred, that is where you go back. If not, you are returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

(H) If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

(I) The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

(x) Employee information and training.

(A) Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead. This program must inform these employees of the specific hazards associated with their work environment, protective measures which can be taken, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. In addition, your employer must make readily available to all employees, including those exposed

below the action level, a copy of the standard and its appendices and must distribute to all employees any materials provided to the employer under the Washington Industrial Safety and Health Act (WISHA).

(B) Your employer is required to complete this training for all employees by March 4, 1981. After this date, all new employees must be trained prior to initial assignment to areas where there is possibility of exposure over the action level. This training program must also be provided at least annually thereafter.

(xi) Signs. The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
NO SMOKING OR EATING

(xii) Recordkeeping.

(A) Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytic techniques, the results of this sampling and the type of respiratory protection being worn by the person sampled. Your employer is also required to keep all records of biological monitoring and medical examination results. These must include the names of the employees, the physician's written opinion and a copy of the results of the examination. All of the above kinds of records must be kept for 40 years, or for at least 20 years after your termination of employment, whichever is longer.

(B) Recordkeeping is also required if you are temporarily removed from your job under the MRP program. This record must include your name and social security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

(C) The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than PbBs must also be provided to you upon request, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

(xiii) Observations of monitoring. When air monitoring for lead is performed at your work place as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the areas that is being monitored. The employer must require the observer to

PERMANENT

wear all such equipment and to comply with all other applicable safety and health procedures.

(xiv) Effective date. The standard's effective date is September 6, 1980, and the employer's obligation under the standard begin to come into effect as of that date. The standard was originally adopted as WAC 296-62-07349 and later recodified to WAC 296-62-07521.

(c) Appendix C. Medical Surveillance Guidelines.

(i) Introduction.

(A) The primary purpose of the Washington Industrial Safety and Health Act of 1973 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for inorganic lead* was promulgated to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

*The term inorganic lead used throughout the medical surveillance appendices is meant to be synonymous with the definition of lead set forth in the standard.

(B) Under this final standard in effect as of September 6, 1980, occupational exposure to inorganic lead is to be limited to 50 µg/m³ (micrograms per cubic meter) based on an eight-hour time-weighted average (TWA). This level of exposure eventually must be achieved through a combination of engineering, work practice and other administrative controls. Periods of time ranging from one to ten years are provided for different industries to implement these controls which are based on individual industry considerations. Until these controls are in place, respirators must be used to meet the 50 µg/m³ exposure limit.

(C) The standard also provides for a program of biological monitoring and medical surveillance for all employees exposed to levels of inorganic lead above the action level of 30 µg/m³ for more than thirty days per year.

(D) The purpose of this document is to outline the medical surveillance provisions of the standard for inorganic lead, and to provide further information to the physician regarding the examination and evaluation of workers exposed to inorganic lead.

(E) Item (ii) provides a detailed description of the monitoring procedure including the required frequency of blood testing for exposed workers, provisions for medical removal protection (MRP), the recommended right of the employee to a second medical opinion, and notification and recordkeeping requirements of the employer. A discussion of the requirements for respirator use and respirator monitoring and WISHA's position on prophylactic chelation therapy are also included in this section.

(F) Item (iii) discusses the toxic effects and clinical manifestations of lead poisoning and effects of lead intoxication on enzymatic pathways in heme synthesis. The adverse effects on both male and female reproductive capacity and on the fetus are also discussed.

(G) Item (iv) outlines the recommended medical evaluation of the worker exposed to inorganic lead including details of the medical history, physical examination, and recommended laboratory tests, which are based on the toxic effects of lead as discussed in item (ii).

(H) Item (v) provides detailed information concerning the laboratory tests available for the monitoring of exposed workers. Included also is a discussion of the relative value of each test and the limitations and precautions which are necessary in the interpretation of the laboratory results.

(I) Airborne levels to be achieved without reliance on respirator protection through a combination of engineering and work practice or other administrative controls are illustrated in the following table:

Industry	Permissible Lead Level/Compliance Date		
	200µg/m ³	100µg/m ³	50µg/m ³
Primary Lead Production	1973	06/29/84	06/29/91
Secondary Lead Production	1973	06/29/84	06/29/91
Lead Acid Battery Manufacturing	1973	06/29/83	06/29/91
Automobile Mfg./Solder, Grinding	1973	N/A	03/08/97
Electronics, Gray Iron Foundries, Ink Mfg., Paints and Coatings Mfg., Can Mfg., Wallpaper Mfg., and Printing.	1973	N/A	06/29/91
Lead Chemical Mfg., Non-ferrous Foundries, Leaded Steel Mfg., Battery Breaking in the Collection and Processing of Scrap (when not a part of secondary lead smelter) Secondary Copper Smelter, Brass and Bronze Ingot Production.	1973	N/A	N/A ^{1*}
All Other Industries	1973	N/A	09/08/92

* Feasibility of achieving the PEL by engineering and work practice controls for these industries has yet to be resolved in court, therefore no date has been scheduled.

(ii) Medical surveillance and monitoring requirements for workers exposed to inorganic lead.

(A) Under the occupational health standard for inorganic lead, a program of biological monitoring and medical surveillance is to be made available to all employees exposed to lead above the action level of 30 µg/m³ TWA for more than thirty days each year. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

(B) Under this program, the blood lead level of all employees who are exposed to lead above the action level of 30 µg/m³ is to be determined at least every six months. The frequency is increased to every two months for employees whose last blood lead level was between 40µg/100g whole blood and the level requiring employee medical removal to be discussed below. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. Zinc protoporphyrin (ZPP) measurement is required on each occasion that a blood lead level measurement is made.

(C) An annual medical examination and consultation performed under the guidelines discussed in item (iv) is to be

PERMANENT

made available to each employee for whom a blood test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40µg/100g. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the action level. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impair-

ment to health, or otherwise limited or specially protected pursuant to medical recommendations.

(D) Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal program (MRP). The object of the MRP program is to provide temporary medical removals to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead. The following guidelines which are summarized in Table 10 were created under the standard for the temporary removal of an exposed employee and his or her subsequent return to work in an exposure area.

TABLE 10
EFFECTIVE DATE

	Sept. 6, 1980	Sept. 6, 1981	Sept. 6, 1982	Sept. 6, 1983	Sept. 6, 1984
A. Blood lead level requiring employee medical removal (level must be confirmed with second follow-up blood lead level within two weeks of first report).	>80 µg/100g.	>70 µg/100g.	>60 µg/100g.	>60 µg/100g.	>60 µg/100g or average of last three blood samples or all blood samples over previous 6 months (whichever is over a longer time period) is 50 µg/100g. or greater unless last sample is 40 µg/100g or less.
B. Frequency which employees exposed is action level of lead (30 µg/m ³ TWA) must have blood lead level checked. (ZPP is also required in each occasion that a blood test is obtained):					
1. Last blood lead level less than 40 µg/100g	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.
2. Last blood lead level between 40 µg/100g and level requiring medical removal (see A above)	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.
3. Employees removed from exposure to lead because of an elevated blood lead level.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.
C. Permissible airborne exposure limit for workers removed from work due to an elevated blood lead level (without regard to respirator protection).	100 µg/m ³ 8 hr TWA	50 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA	30 µg/m ³ 8 hr TWA
D. Blood lead level confirmed with a second blood analysis, at which employee may return to work. Permissible exposure without regard to respirator protection is listed by industry in Table 1.	60 µg/100g	50 µg/100g	40 µg/100g	40 µg/100g	40 µg/100g

Note: Where medical opinion indicates that an employee is at risk of material impairment from exposure to lead, the physician can remove an employee from exposure exceeding the action level (or less) or recommend special protective measures as deemed appropriate and necessary. Medical monitoring during the medical removal period can be more stringent than noted in the table above if the physician so specifies. Return to work or removal of limitations and special protections is permitted when the physician indicates that the worker is no longer at risk of material impairment.

PERMANENT

(E) Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having any eight-hour TWA exposure to lead of $30 \mu\text{g}/\text{m}^3$ or more whenever either of the following circumstances apply. (I) a blood lead level of $60 \mu\text{g}/100\text{g}$ or greater is obtained and confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sample test, or (II) the average of the previous three blood lead determinations or the average of all blood lead determinations conducted during the previous six months, whichever encompasses the longest time period, equals or exceeds $50 \mu\text{g}/100\text{g}$, unless the last blood sample indicates a blood lead level at or below $40 \mu\text{g}/100\text{g}$, in which case the employee need not be removed. Medical removal is to continue until two consecutive blood lead levels are $40 \mu\text{g}/100\text{g}$ or less.

(F) During the first two years that the ultimate removal criteria are being phased in, the return criteria have been set to assure that a worker's blood lead level has substantially declined during the period of removal. From March 1, 1979, to March 1, 1980, the blood lead level requiring employee medical removal is $80 \mu\text{g}/100\text{g}$. Workers found to have a confirmed blood lead at this level or greater need only be removed from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$. Workers so removed are to be returned to work when their blood lead levels are at or below $60 \mu\text{g}/100\text{g}$ of whole blood. From March 1, 1980, to March 1, 1981, the blood lead level requiring medical removal is $70 \mu\text{g}/100\text{g}$. During this period workers need only be removed from jobs having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ and are to be returned to work when a level of $50 \mu\text{g}/100\text{g}$ is achieved. Beginning March 1, 1981, return depends on the worker's blood lead level declining to $40 \mu\text{g}/100\text{g}$ of whole blood.

(G) As part of the standard, the employer is required to notify in writing each employee whose whole blood lead level exceeds $40 \mu\text{g}/100\text{g}$. In addition, each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level exceeds the above defined limits.

(H) In addition to the above blood lead level criteria, temporary worker removal may also take place as a result of medical determinations and recommendations. Written medical opinions must be prepared after each examination pursuant to the standard. If the examining physician includes medical finding, determination or opinion that the employee has a medical condition which places the employee at increased risk of material health impairment from exposure to lead, then the employee must be removed from exposure to lead at or above the action level. Alternatively, if the examining physician recommends special protective measures for an employee (e.g., use of a powered air purifying respirator) or recommends limitations on an employee's exposure to lead, then the employer must implement these recommendations. Recommendations may be more stringent than the specific provisions of the standard. The examining physician, therefore, is given broad flexibility to tailor special protective procedures to the needs of individual employees. This flexibility

extends to the evaluation and management of pregnant workers and male and female workers who are planning to conceive children. Based on the history, physical examination, and laboratory studies, the physician might recommend special protective measures or medical removal for an employee who is pregnant or who is planning to conceive a child when, in the physician's judgment, continued exposure to lead at the current job would pose a significant risk. The return of the employee to his or her former job status, or the removal of special protections or limitations, depends upon the examining physician determining that the employee is no longer at increased risk of material impairment or that the special measures are no longer needed.

(I) During the period of any form of special protection or removal, the employer must maintain the worker's earnings, seniority, and other employment rights and benefits (as though the worker has not been removed) for a period of up to eighteen months. This economic protection will maximize meaningful worker participation in the medical surveillance program, and is appropriate as part of the employer's overall obligation to provide a safe and healthful work place. The provisions of MRP benefits during the employee's removal period may, however, be conditioned upon participation in medical surveillance.

(J) On rare occasions, an employee's blood lead level may not acceptably decline within eighteen months of removal. This situation will arise only in unusual circumstances, thus the standard relies on an individual medical examination to determine how to protect such an employee. This medical determination is to be based on both laboratory values, including lead levels, zinc protoporphyrin levels, blood counts, and other tests felt to be warranted, as well as the physician's judgment that any symptoms or findings on physical examination are a result of lead toxicity. The medical determination may be that the employee is incapable of ever safely returning to his or her former job status. The medical determination may provide additional removal time past eighteen months for some employees or specify special protective measures to be implemented.

(K) The lead standard provides for a multiple physician review in cases where the employee wishes a second opinion concerning potential lead poisoning or toxicity. If an employee wishes a second opinion, he or she can make an appointment with a physician of his or her choice. This second physician will review the findings, recommendations or determinations of the first physician and conduct any examinations, consultations or tests deemed necessary in an attempt to make a final medical determination. If the first and second physicians do not agree in their assessment they must try to resolve their differences. If they cannot reach an agreement then they must designate a third physician to resolve the dispute.

(L) The employer must provide examining and consulting physicians with the following specific information: A copy of the lead regulations and all appendices, a description of the employee's duties as related to exposure, the exposure level to lead and any other toxic substances (if applicable), a description of personal protective equipment used, blood lead levels, and all prior written medical opinions regarding the employee in the employer's possession or control. The

employer must also obtain from the physician and provide the employee with a written medical opinion containing blood lead levels, the physician's opinion as to whether the employee is at risk of material impairment to health, any recommended protective measures for the employee if further exposure is permitted, as well as any recommended limitations upon an employee's use of respirators.

(M) Employers must instruct each physician not to reveal to the employer in writing or in any other way his or her findings, laboratory results, or diagnoses which are felt to be unrelated to occupational lead exposure. They must also instruct each physician to advise the employee of any occupationally or nonoccupationally related medical condition requiring further treatment or evaluation.

(N) The standard provides for the use of respirators when engineering and other primary controls have not been fully implemented. However, the use of respirator protection shall not be used in lieu of temporary medical removal due to elevated blood lead levels or findings that an employee is at risk of material health impairment. This is based on the numerous inadequacies of respirators including skin rash where the facepiece makes contact with the skin, unacceptable stress to breathing in some workers with underlying cardiopulmonary impairment, difficulty in providing adequate fit, the tendency for respirators to create additional hazards by interfering with vision, hearing, and mobility, and the difficulties of assuring the maximum effectiveness of a complicated work practice program involving respirators. Respirators do, however, serve a useful function where engineering and work practice are inadequate by providing interim or short-term protection, provided they are properly selected for the environment in which the employee will be working, properly fitted to the employee, maintained and cleaned periodically, and worn by the employee when required.

(O) In its final standard on occupational exposure to inorganic lead, WISHA has prohibited prophylactic chelation. Diagnostic and therapeutic chelation are permitted only under the supervision of a licensed physician with appropriate medical monitoring in an acceptable clinical setting. The decision to initiate chelation therapy must be made on an individual basis and take into account the severity of symptoms felt to be a result of lead toxicity along with blood lead levels, ZPP levels and other laboratory tests as appropriate. EDTA and penicillamine, which are the primary chelating agents used in the therapy of occupational lead poisoning, have significant potential side effects and their use must be justified on the basis of expected benefits to the worker.

(P) Unless frank and severe symptoms are present, therapeutic chelation is not recommended given the opportunity to remove a worker from exposure and allow the body to naturally excrete accumulated lead. As a diagnostic aid, the chelation mobilization test using CA-EDTA has limited applicability. According to some investigators, the tests can differentiate between lead-induced and other nephropathies. The test may also provide an estimation of the mobile fraction of the total body lead burden.

(Q) Employers are required to assure that accurate records are maintained on exposure monitoring, medical surveillance, and medical removal for each employee. Exposure monitoring and medical surveillance records must be kept for

forty years or the duration of employment plus twenty years, whichever is longer, while medical removal records must be maintained for the duration of employment. All records required under the standard must be made available upon request to representatives of the director of the department of labor and industries. Employers must also make environmental and biological monitoring and medical removal records available to affected employees and to former employees or their authorized employee representatives. Employees or their specifically designated representatives have access to their entire medical surveillance records.

(R) In addition, the standard requires that the employer inform all workers exposed to lead at or above the action level of the provisions of the standard and all its appendices, the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

(iii) Adverse health effects of inorganic lead.

(A) Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments; first, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained at or below 40 $\mu\text{g}/100\text{g}$, and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below 30 $\mu\text{g}/100\text{g}$ to minimize adverse reproduction health effects to the parent and developing fetus. The adverse effects of lead on reproduction are being actively researched and WISHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

(B) The spectrum of health effects caused by lead exposure can be sub-divided into five developmental states; normal, physiological changes of uncertain significance, pathophysiological changes, overt symptoms (morbidity), and mortality. Within this process there are no sharp distinctions, but rather a continuum of effects. Boundaries between categories overlap due to the wide variation of individual responses and exposures in the working population. WISHA's development of the lead standard focused on pathophysiological changes as well as later stages of disease.

(I) Heme synthesis inhibition.

a) The earliest demonstrated effect of lead involves its ability to inhibit at least two enzymes of the heme synthesis pathway at very low blood levels. Inhibition of delta aminolevulinic acid dehydrase (ALA-D) which catalyzes the conversion of delta-aminolevulinic acid (ALA) to protoporphyrin is observed at a blood lead level below 20 $\mu\text{g}/100\text{g}$ whole blood. At a blood lead level of 40 $\mu\text{g}/100\text{g}$, more than twenty percent of the population would have seventy percent inhibition

of ALA-D. There is an exponential increase in ALA excretion at blood lead levels greater than 40 µg/100g.

b) Another enzyme, ferrochelatase, is also inhibited at low blood lead levels. Inhibition of ferrochelatase leads to increased free erythrocyte protoporphyrin (FEP) in the blood which can then bind to zinc to yield zinc protoporphyrin. At a blood lead level of 50µg/100g or greater, nearly 100 percent of the population will have an increase FEP. There is also an exponential relationship between blood lead levels greater than 40 µg/100g and the associated ZPP level, which has led to the development of the ZPP screening test for lead exposure.

c) While the significance of these effects is subject to debate, it is WISHA's position that these enzyme disturbances are early stages of a disease process which may eventually result in the clinical symptoms of lead poisoning. Whether or not the effects do progress to the later stages of clinical disease, disruption of these enzyme processes over a working lifetime is considered to be a material impairment of health.

d) One of the eventual results of lead-induced inhibition of enzymes in the heme synthesis pathway is anemia which can be asymptomatic if mild but associated with a wide array of symptoms including dizziness, fatigue, and tachycardia when more severe. Studies have indicated that lead levels as low as 50 µg/100g can be associated with a definite decreased hemoglobin, although most cases of lead-induced anemia, as well as shortened red-cell survival times, occur at lead levels exceeding 80 µg/100g. Inhibited hemoglobin synthesis is more common in chronic cases whereas shortened erythrocyte life span is more common in acute cases.

e) In lead-induced anemias, there is usually a reticulocytosis along with the presence of basophilic stippling, and ringed sideroblasts, although none of the above are pathognomonic for lead-induced anemia.

(II) Neurological effects.

a) Inorganic lead had been found to have toxic effects on both the central and peripheral nervous systems. The earliest stage of lead-induced central nervous system effects first manifest themselves in the form of behavioral disturbances and central nervous system symptoms including irritability, restlessness, insomnia and other sleep disturbances, fatigue, vertigo, headache, poor memory, tremor, depression, and apathy. With more severe exposure, symptoms can progress to drowsiness, stupor, hallucinations, delirium, convulsions and coma.

b) The most severe and acute form of lead poisoning which usually follows ingestion or inhalation of large amounts of lead is acute encephalopathy which may arise precipitously with the onset of intractable seizures, coma, cardiorespiratory arrest, and death within 48 hours.

c) While there is disagreement about what exposure levels are needed to produce the earliest symptoms, most experts agree that symptoms definitely can occur at blood lead levels of 60 µg/100g whole blood and therefore recommend a 40 µg/100g maximum. The central nervous system effects frequently are not reversible following discontinued exposure or chelation therapy and when improvement does occur, it is almost always only partial.

d) The peripheral neuropathy resulting from lead exposure characteristically involves only motor function with minimal sensory damage and has a marked predilection for the extensor muscles of the most active extremity. The peripheral neuropathy can occur with varying degrees of severity. The earliest and mildest form which can be detected in workers with blood lead levels as low as 50 µg/100g is manifested by slowing or motor nerve conduction velocity often without clinical symptoms. With progression of the neuropathy there is development of painless extensor muscle weakness usually involving the extensor muscles of the fingers and hand in the most active upper extremity, followed in severe cases by wrist drop, much less commonly, foot drop.

e) In addition to slowing of nerve conduction, electromyographical studies in patients with blood lead levels greater than 50 µg/100g have demonstrated a decrease in the number of acting motor unit potentials, an increase in the duration of motor unit potentials, and spontaneous pathological activity including fibrillations and fasciculation. Whether these effects occur at levels of 40 µg/100g is undetermined.

f) While the peripheral neuropathies can occasionally be reversed with therapy, again such recovery is not assured particularly in the more severe neuropathies and often improvement is only partial. The lack of reversibility is felt to be due in part to segmental demyelination.

(III) Gastrointestinal. Lead may also effect the gastrointestinal system producing abdominal colic or diffuse abdominal pain, constipation, obstipation, diarrhea, anorexia, nausea and vomiting. Lead colic rarely develops at blood lead levels below 80 µg/100g.

(IV) Renal.

a) Renal toxicity represents one of the most serious health effects of lead poisoning. In the early stages of disease nuclear inclusion bodies can frequently be identified in proximal renal tubular cells. Renal functions remain normal and the changes in this stage are probably reversible. With more advanced disease there is progressive interstitial fibrosis and impaired renal function. Eventually extensive interstitial fibrosis ensues with sclerotic glomeruli and dilated and atrophied proximal tubules; all represent end stage kidney disease. Azotemia can be progressive, eventually resulting in frank uremia necessitating dialysis. There is occasionally associated hypertension and hyperuricemia with or without gout.

b) Early kidney disease is difficult to detect. The urinalysis is normal in early lead nephropathy and the blood urea nitrogen and serum creatinine increase only when two-thirds of kidney function is lost. Measurement of creatinine clearance can often detect earlier disease as can other methods of measurement of glomerular filtration rate. An abnormal Ca-EDTA mobilization test has been used to differentiate between lead-induced and other nephropathies, but this procedure is not widely accepted. A form of Fanconi syndrome with aminoaciduria, glycosuria, and hyperphosphaturia indicating severe injury to the proximal renal tubules is occasionally seen in children.

(V) Reproductive effects.

a) Exposure to lead can have serious effects on reproductive function in both males and females. In male workers

exposed to lead there can be a decrease in sexual drive, impotence, decreased ability to produce healthy sperm, and sterility. Malformed sperm (teratospermia), decreased number of sperm (hypospermia), and sperm with decreased motility (asthenospermia) can occur. Teratospermia has been noted at mean blood lead levels of 53 µg/100g and hypospermia and asthenospermia at 41 µg/100g. Furthermore, there appears to be a dose-response relationship for teratospermia in lead exposed workers.

b) Women exposed to lead may experience menstrual disturbances including dysmenorrhea, menorrhagia and amenorrhea. Following exposure to lead, women have a higher frequency of sterility, premature births, spontaneous miscarriages, and stillbirths.

c) Germ cells can be affected by lead and cause genetic damage in the egg or sperm cells before conception and result in failure to implant, miscarriage, stillbirth, or birth defects.

d) Infants of mothers with lead poisoning have a higher mortality during the first year and suffer from lowered birth weights, slower growth, and nervous system disorders.

e) Lead can pass through the placental barrier and lead levels in the mother's blood are comparable to concentrations of lead in the umbilical cord at birth. Transplacental passage becomes detectable at 12-14 weeks of gestation and increases until birth.

f) There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of 50-60 µg/100g in children can cause significant neurobehavioral impairments, and there is evidence of hyperactivity at blood levels as low as 25 µg/100g. Given the overall body of literature concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below 30 µg/100g with a population mean of 15 µg/100g. Blood lead levels in the fetus and newborn likewise should not exceed 30 µg/100g.

g) Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both males and females as well as the risk of genetic damage of lead on both the ovum and sperm, WISHA recommends a 30 µg/100g maximum permissible blood lead level in both males and females who wish to bear children.

(IV) Other toxic effects.

a) Debate and research continue on the effects of lead on the human body. Hypertension has frequently been noted in occupationally exposed individuals although it is difficult to assess whether this is due to lead's adverse effects on the kidneys or if some other mechanism is involved.

b) Vascular and electrocardiographic changes have been detected but have not been well characterized. Lead is thought to impair thyroid function and interfere with the pituitary-adrenal axis, but again these effects have not been well defined.

(iv) Medical evaluation.

(A) The most important principle in evaluating a worker for any occupational disease including lead poisoning is a high index of suspicion on the part of the examining physi-

cian. As discussed in Section (ii), lead can affect numerous organ systems and produce a wide array of signs and symptoms, most of which are nonspecific and subtle in nature at least in the early stages of disease. Unless serious concern for lead toxicity is present, many of the early clues to diagnosis may easily be overlooked.

(B) The crucial initial step in the medical evaluation is recognizing that a worker's employment can result in exposure to lead. The worker will frequently be able to define exposures to lead and lead-containing materials but often will not volunteer this information unless specifically asked. In other situations the worker may not know of any exposures to lead but the suspicion might be raised on the part of the physician because of the industry or occupation of the worker. Potential occupational exposure to lead and its compounds occur in at least 120 occupations, including lead smelting, the manufacture of lead storage batteries, the manufacture of lead pigments and products containing pigments, solder manufacture, shipbuilding and ship repair, auto manufacturing, construction, and painting.

(C) Once the possibility for lead exposure is raised, the focus can then be directed toward eliciting information from the medical history, physical exam, and finally from laboratory data to evaluate the worker for potential lead toxicity.

(D) A complete and detailed work history is important in the initial evaluation. A listing of all previous employment with information on work processes, exposure to fumes or dust, known exposures to lead or other toxic substances, respiratory protection used, and previous medical surveillance should all be included in the worker's record. Where exposure to lead is suspected, information concerning on-the-job personal hygiene, smoking or eating habits in work areas, laundry procedures, and use of any protective clothing or respiratory protection equipment should be noted. A complete work history is essential in the medical evaluation of a worker with suspected lead toxicity, especially when long-term effects such as neurotoxicity and nephrotoxicity are considered.

(E) The medical history is also of fundamental importance and should include a listing of all past and current medical conditions, current medications including proprietary drug intake, previous surgeries and hospitalizations, allergies, smoking history, alcohol consumption, and also non-occupational lead exposures such as hobbies (hunting, riflery). Also known childhood exposures should be elicited. Any previous history of hematological, neurological, gastrointestinal, renal, psychological, gynecological, genetic, or reproductive problems should be specifically noted.

(F) A careful and complete review of systems must be performed to assess both recognized complaints and subtle or slowly acquired symptoms which the worker might not appreciate as being significant. The review of symptoms should include the following:

General	- weight loss, fatigue, decreased appetite.
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PERMANENT

- Head, Eyes, Ears, Nose, Throat (HEENT)
- headaches, visual disturbance or decreased visual acuity, hearing deficits or tinnitus, pigmentation of the oral mucosa, or metallic taste in mouth.
- Cardiopulmonary
- shortness of breath, cough, chest pains, palpitations, or orthopnea.
- Gastrointestinal
- nausea, vomiting, heartburn, abdominal pain, constipation or diarrhea.
- Neurologic
- irritability, insomnia, weakness (fatigue), dizziness, loss of memory, confusion, hallucinations, incoordination, ataxia, decreased strength in hands or feet, disturbance in gait, difficulty in climbing stairs, or seizures.
- Hematologic
- pallor, easy fatigability, abnormal blood loss, melena.
- Reproductive (male or female and spouse where relevant)
- history of infertility, impotence, loss of libido, abnormal menstrual periods, history of miscarriages, stillbirths, or children with birth defects.
- Musculoskeletal
- muscle and joint pains.

(G) The physical examination should emphasize the neurological, gastrointestinal, and cardiovascular systems. The worker's weight and blood pressure should be recorded and the oral mucosa checked for pigmentation characteristic of a possible Burtonian or lead line on the gingiva. It should be noted, however, that the lead line may not be present even in severe lead poisoning if good oral hygiene is practiced.

(H) The presence of pallor on skin examination may indicate an anemia, which if severe might also be associated with a tachycardia. If an anemia is suspected, an active search for blood loss should be undertaken including potential blood loss through the gastrointestinal tract.

(I) A complete neurological examination should include an adequate mental status evaluation including a search for behavioral and psychological disturbances, memory testing, evaluation for irritability, insomnia, hallucinations, and mental clouding. Gait and coordination should be examined along with close observation for tremor. A detailed evaluation of peripheral nerve function including careful sensory and motor function testing is warranted. Strength testing particularly of extensor muscle groups of all extremities is of fundamental importance.

(J) Cranial nerve evaluation should also be included in the routine examination.

(K) The abdominal examination should include auscultation for bowel sounds and abnormal bruits and palpation for organomegaly, masses, and diffuse abdominal tenderness.

(L) Cardiovascular examination should evaluate possible early signs of congestive heart failure. Pulmonary status should be addressed particularly if respirator protection is contemplated.

(M) As part of the medical evaluation, the lead standard requires the following laboratory studies.

(I) Blood lead level.

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of the peripheral blood smear to evaluate red blood cell morphology.

(III) Blood urea nitrogen.

(IV) Serum creatinine.

(V) Routine urinalysis with microscopic examination.

(VI) A zinc protoporphyrin level.

(N) In addition to the above, the physician is authorized to order any further laboratory or other tests which he or she deems necessary in accordance with sound medical practice. The evaluation must also include pregnancy testing or laboratory evaluation of male fertility if requested by the employee.

(O) Additional tests which are probably not warranted on a routine basis but may be appropriate when blood lead and ZPP levels are equivocal include delta aminolevulinic acid and coproporphyrin concentrations in the urine, and dark-field illumination for detection of basophilic stippling in red blood cells.

(P) If an anemia is detected further studies including a careful examination of the peripheral smear, reticulocyte count, stool for occult blood, serum iron, total iron binding capacity, bilirubin, and, if appropriate vitamin B12 and folate may be of value in attempting to identify the cause of the anemia.

(Q) If a peripheral neuropathy is suspected, nerve conduction studies are warranted both for diagnosis and as a basis to monitor any therapy.

(R) If renal disease is questioned, a 24-hour urine collection for creatinine clearance, protein, and electrolytes may be indicated. Elevated uric acid levels may result from lead-induced renal disease and a serum uric acid level might be performed.

(S) An electrocardiogram and chest x-ray may be obtained as deemed appropriate.

(T) Sophisticated and highly specialized testing should not be done routinely and where indicated should be under the direction of a specialist.

(v) Laboratory evaluation.

(A) The blood level at present remains the single most important test to monitor lead exposure and is the test used in the medical surveillance program under the lead standard to guide employee medical removal. The ZPP has several advantages over the blood lead level. Because of its relatively recent development and the lack of extensive data concerning its interpretation, the ZPP currently remains an ancillary test.

(B) This section will discuss the blood lead level and ZPP in detail and will outline their relative advantages and disadvantages. Other blood tests currently available to evaluate lead exposure will also be reviewed.

(C) The blood lead level is a good index of current or recent lead absorption when there is no anemia present and when the worker has not taken any chelating agents. However, blood lead levels along with urinary lead levels do not necessarily indicate the total body burden of lead and are not adequate measures of past exposure. One reason for this is that lead has a high affinity for bone and up to 90 percent of the body's total lead is deposited there. A very important component of the total lead body burden is lead in soft tissue (liver, kidneys, and brain). This fraction of the lead body burden, the biologically active lead, is not entirely reflected by blood lead levels since it is a function of the dynamics of lead absorption, distribution, deposition in bone and excretion. Following discontinuation of exposure to lead, the excess body burden is only slowly mobilized from bone and other relatively stable stores and excreted. Consequently, a high blood lead level may only represent recent heavy exposure to lead without a significant total body excess and likewise a low blood lead level does not exclude an elevated total body burden of lead.

(D) Also due to its correlation with recent exposures, the blood lead level may vary considerably over short time intervals.

(E) To minimize laboratory error and erroneous results due to contamination, blood specimens must be carefully collected after thorough cleaning of the skin with appropriate methods using lead-free containers and analyzed by a reliable laboratory. Under the standard, samples must be analyzed in laboratories which are approved by the Center for Disease Control (CDC) or which have received satisfactory grades in proficiency testing by the CDC in the previous year. Analysis is to be made using atomic absorption spectrophotometry anodic stripping; voltammetry or any method which meets the accuracy requirements set forth by the standard.

(F) The determination of lead in urine is generally considered a less reliable monitoring technique than analysis of whole blood primarily due to individual variability in urinary excretion capacity as well as the technical difficulty of obtaining accurate 24 hour urine collections. In addition, workers with renal insufficiency, whether due to lead or some other cause, may have decreased lead clearance and consequently urine lead levels may underestimate the true lead burden. Therefore, urine lead levels should not be used as a routine test.

(G) The zinc protoporphyrin test, unlike the blood lead determination, measures an adverse metabolic effect of lead and as such is a better indicator of lead toxicity than the level of blood lead itself. The level of ZPP reflects lead absorption over the preceding three to four months, and therefore is a better indicator of lead body burden. The ZPP requires more time than the blood lead to read significantly elevated levels; the return to normal after discontinuing lead exposure is also slower. Furthermore, the ZPP test is simpler, faster, and less expensive to perform and no contamination is possible. Many investigators believe it is the most reliable means of monitoring chronic lead absorption.

(H) Zinc protoporphyrin results from the inhibition of the enzyme ferrochelatase which catalyzes the insertion of an iron molecule into the protoporphyrin molecule, which then becomes heme. If iron is not inserted into the molecule then

zinc, having a greater affinity for protoporphyrin, takes place in the iron, forming ZPP.

(I) An elevation in the level of circulating ZPP may occur at blood lead levels as low as 20-30 $\mu\text{g}/100\text{g}$ in some workers. Once the blood lead level has reached 40 $\mu\text{g}/100\text{g}$ there is more marked rise in the ZPP value from its normal range of less than 100 $\mu\text{g}/100\text{ml}$. Increases in blood lead levels beyond 40 $\mu\text{g}/100\text{g}$ are associated with exponential increases in ZPP.

(J) Whereas blood lead levels fluctuate over short time spans, ZPP levels remain relatively stable. ZPP is measured directly in red blood cells and is present for the cell's entire 120 day lifespan. Therefore, the ZPP level in blood reflects the average ZPP production over the previous three to four months and consequently the average lead exposure during that time interval.

(K) It is recommended that a hematocrit be determined whenever a confirmed ZPP of 50 $\mu\text{g}/100\text{ml}$ whole blood is obtained to rule out a significant underlying anemia. If the ZPP is in excess of 100 $\mu\text{g}/100\text{ml}$ and not associated with abnormal elevations in blood lead levels, the laboratory should be checked to be sure the blood leads were determined using atomic absorption spectrophotometry, anodic stripping voltammetry or any method which meets the accuracy requirements set forth by the standard, by a CDC approved laboratory which is experienced in lead level determinations. Repeat periodic blood lead studies should be obtained in all individuals with elevated ZPP levels to be certain that an associated elevated blood lead level has not been missed due to transient fluctuations in blood leads.

(L) ZPP has characteristic fluorescence spectrum with a peak at 594nm which is detectable with a hematofluorimeter. The hematofluorimeter is accurate and portable and can provide on-site, instantaneous results for workers who can be frequently tested via a finger prick.

(M) However, careful attention must be given to calibration and quality control procedures. Limited data on blood lead - ZPP correlations and the ZPP levels which are associated with the adverse health effects discussed in item (ii) are the major limitations of the test. Also it is difficult to correlate ZPP levels with environmental exposure and there is some variation of response with age and sex. Nevertheless, the ZPP promises to be an important diagnostic test for the early detection of lead toxicity and its value will increase as more data is collected regarding its relationship to other manifestations of lead poisoning.

(N) Levels of delta-aminolevulinic acid (ALA) in the urine are also used as a measure of lead exposure. Increasing concentrations of ALA are believed to result from the inhibition of the enzyme delta-aminolevulinic acid dehydrase (ALA-D). Although the test is relatively easy to perform, inexpensive, and rapid, the disadvantages include variability in results, the necessity to collect a complete 24 hour urine sample which has a specific gravity greater than 1.010, and also the fact that ALA decomposes in the presence of light.

(O) The pattern of porphyrin excretion in the urine can also be helpful in identifying lead intoxication. With lead poisoning, the urine concentrations of coproporphyrins I and II, porphobilinogen and uroporphyrin I rise. The most important

increase, however, is that of coproporphyrin III; levels may exceed 5,000 µg/l in the urine in lead poisoned individuals, but its correlation with blood lead levels and ZPP are not as good as those of ALA. Increases in urinary porphyrins are not diagnostic of lead toxicity and may be seen in porphyria, some liver diseases, and in patients with high reticulocyte counts.

(vi) Summary.

(A) The WISHA standard for inorganic lead places significant emphasis on the medical surveillance of all workers exposed to levels of inorganic lead above the action level of 30 µg/m³ TWA. The physician has a fundamental role in this surveillance program, and in the operation of the medical removal protection program.

(B) Even with adequate worker education on the adverse health effects of lead and appropriate training in work practices, personal hygiene and other control measures, the physician has a primary responsibility for evaluating potential lead toxicity in the worker. It is only through a careful and detailed medical and work history, a complete physical examination and appropriate laboratory testing that an accurate assessment can be made. Many of the adverse health effects of lead toxicity are either irreversible or only partially reversible and therefore early detection of disease is very important.

(C) This document outlines the medical monitoring program as defined by the occupational safety and health standard for inorganic lead. It reviews the adverse health effects of lead poisoning and describes the important elements of the history and physical examinations as they relate to these adverse effects.

(D) It is hoped that this review and discussion will give the physician a better understanding of the WISHA standard with the ultimate goal of protecting the health and well-being of the worker exposed to lead under his or her care.

(d) Appendix D. Recommendations to employers concerning high-risk tasks (nonmandatory).

The department advises employers that the following tasks have a high risk for lead overexposure (this list is not complete; other tasks also can result in lead over-exposure):

- Any open flame operation involving lead-containing solder in a manner producing molten solder, including the manufacture or repair of motor vehicle radiators;
- Sanding, cutting or grinding of lead-containing solder;
- Breaking, recycling or manufacture of lead-containing batteries;
- Casting objects using lead, brass, or lead-containing alloys;
- Where lead-containing coatings or paints are present:
 - abrasive blasting
 - welding
 - cutting
 - torch burning
 - manual demolition of structures
 - manual scraping
 - manual sanding
 - heat gun applications
 - power tool cleaning
 - rivet busting

- clean-up activities where dry expendable abrasives are used
- abrasive blasting enclosure movement and removal;
- Spray-painting with lead-containing paint;
- Using lead-containing mortar;
- Lead burning;
- Operation or cleaning of shooting facilities where lead bullets are used;
- Formulation or processing of lead-containing pigments or paints;
- Cutting, burning, or melting of lead-containing materials.

The department recommends that annual blood lead testing be offered to all employees potentially overexposed to lead, including those performing the tasks listed above, regardless of air lead levels. Research has shown that air lead levels often do not accurately predict workers' lead overexposure. The blood lead testing will provide the most information if performed during a period of peak lead exposure.

Employers should be aware that the United States Public Health Service has set a goal of eliminating occupational exposures which result in whole blood lead levels of 25 µg/dl or greater. This goal should guide whether employees' blood lead levels indicate lead overexposure.

If blood lead levels are elevated in an employee performing a task associated with lead overexposure, employers should assess the maintenance and effectiveness of exposure controls, hygiene facilities, respiratory protection program, the employee's work practices and personal hygiene, and the employee's respirator use, if any. If a deficiency exists in any of these areas, the employer should correct the problem.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07523 Benzene. (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 and 296-800-170 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 and

296-800-170 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

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

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an

operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or

other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that

comply with the requirements of this subsection. Respirators must be used during:

- (i) Periods necessary to install or implement feasible engineering and work-practice controls;
 - (ii) Work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work-practice controls is not feasible; for example some maintenance and repair activities, vessel cleaning, or other operations where engineering and work-practice controls are infeasible because exposures are intermittent and limited in duration;
 - (iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient, or are not required under subsection (6)(a)(iii) of this section, to reduce exposure to or below the PELs;
 - (iv) Emergencies.
- (b) Respirator program.
- (i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii), and 296-62-07150 through 296-62-07156).
- (ii) For air-purifying respirators, the employer must replace the air-purifying element at the expiration of its service life or at the beginning of each shift in which such elements are used, whichever comes first.
- (iii) If NIOSH certifies an air-purifying element with an end-of-service-life indicator for benzene, such an element may be used until the indicator shows no further useful life.
- (c) Respirator selection.
- (i) The employer must select the appropriate respirator from Table 1 of this section.
- (ii) Any employee who cannot use a negative-pressure respirator must be allowed to use a respirator with less breathing resistance, such as a powered air-purifying respirator or supplied-air respirator.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	(1) Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	(1) Full facepiece respirator with organic vapor cartridges.
	(1) Full facepiece gas mask with chin style canister. ¹
(c) Less than or equal to 100 ppm.	(1) Full facepiece powered air-purifying respirator with organic vapor canister. ¹
(d) Less than or equal to 1,000 ppm.	(1) Supplied air respirator with full facepiece in positive-pressure mode.
(e) Greater than 1,000 ppm or unknown concentration.	(1) Self-contained breathing apparatus with full facepiece in positive-pressure mode.
	(2) Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(f) Escape	(1) Any organic vapor gas mask; or
	(2) Any self-contained breathing apparatus with full facepiece.
(g) Firefighting	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

¹Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for non-powered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC ((296-24-07801) 296-800-160.

- (9) Medical surveillance.
- (a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year; for employees who are or may be exposed to benzene at or above the PELs ten or more days per year; for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer; and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

- (b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

- (A) A detailed occupational history which includes:
 - (I) Past work exposure to benzene or any other hematological toxins;

PERMANENT

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(i) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee

provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal pro-

tection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER
BENZENE
CANCER HAZARD
FLAMMABLE-NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC ((296-62-05411) 296-800-170 and in addition shall include the following legend:

DANGER
CONTAINS BENZENE
CANCER HAZARD

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054 and 296-800-170.

(ii) Employers who are manufacturers or importers shall:

PERMANENT

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC ((~~296-62-05415 (1) and (2)~~) 296-800-170), and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC ((~~296-62-054~~) 296-800-170), the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-07540 Formaldehyde. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his/her authorized representative: Provided, however, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health, the provision of WAC ((296-24-006) 296-800-370 shall apply.

(c) "Authorized person" means any person required by work duties to be present in regulated work areas, or authorized to do so by the employer, by this section of the standard, or by the WISHA Act.

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

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds 0.75 part formaldehyde per million parts of air as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exception. Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure

levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(iii) If the employer receives reports or signs or symptoms of respiratory or dermal conditions associated with formaldehyde exposure, the employer shall promptly monitor the affected employee's exposure.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe

any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce exposure to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii), and 296-62-07150 through 296-62-07156).

(ii) If air-purifying chemical-cartridge respirators are used, the employer must:

(A) Replace the cartridge after three hours of use or at the end of the workshift, whichever occurs first, unless the cartridge contains a NIOSH-certified end-of-service-life indicator (ESLI) to show when breakthrough occurs.

(B) Unless the canister contains a NIOSH-certified ESLI to show when breakthrough occurs, replace canisters used in atmospheres up to 7.5 ppm (10 x PEL) every four hours and industrial-sized canisters used in atmospheres up to 75 ppm (100 x PEL) every two hours, or at the end of the workshift, whichever occurs first.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION
AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 7.5 ppm (10 x PEL)	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 75 ppm (100 x PEL)	Full-face mask with chin style or chest or back mounted type industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator pressure demand or continuous flow type, with full facepiece, hood, or helmet.
Above 75 ppm or unknown (emergencies) (100 x PEL)	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Fire fighting	SCBA with positive-pressure in full facepiece.
Escape	SCBA in demand or pressure demand mode. Full-face mask with chin style or front or back mounted type industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(ii) The employer must provide a powered air-purifying respirator adequate to protect against formaldehyde exposure to any employee who has difficulty using a negative-pressure respirator.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC ((~~296-24-07501 and 296-24-07801~~) 296-800-160). When protective equipment or clothing is provided under these provisions, the employer

PERMANENT

shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

DANGER

FORMALDEHYDE-CONTAMINATED (CLOTHING) EQUIPMENT
AVOID INHALATION AND SKIN CONTACT

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eye-wash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye,

nose, or throat irritation; chronic airway problems or hyperactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of

the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(h) Medical removal.

(i) The provisions of this subdivision apply when an employee reports significant irritation of the mucosa of the eyes or of the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization attributed to workplace formaldehyde exposure. Medical removal provisions do not apply in case of dermal irritation or dermal sensitization when the product suspected of causing the dermal condition contains less than 0.05% formaldehyde.

(ii) An employee's report of signs or symptoms of possible overexposure to formaldehyde shall be evaluated by a physician selected by the employer pursuant to (c) of this subsection. If the physician determines that a medical examination is not necessary under (c)(ii) of this subsection, there shall be a two-week evaluation and remediation period to permit the employer to ascertain whether the signs or symptoms subside untreated or with the use of creams, gloves, first aid treatment, or personal protective equipment. Industrial hygiene measures that limit the employee's exposure to formaldehyde may also be implemented during this period. The employee shall be referred immediately to a physician prior to expiration of the two-week period if the signs or symptoms worsen. Earnings, seniority, and benefits may not be altered during the two-week period by virtue of the report.

(iii) If the signs or symptoms have not subsided or been remedied by the end of the two-week period, or earlier if signs or symptoms warrant, the employee shall be examined by a physician selected by the employer. The physician shall presume, absent contrary evidence, that observed dermal irritation or dermal sensitization are not attributable to formaldehyde when products to which the affected employee is exposed contain less than 0.1% formaldehyde.

(iv) Medical examinations shall be conducted in compliance with the requirements of (e)(i) and (ii) of this subsection. Additional guidelines for conducting medical exams are contained in WAC 296-62-07546, Appendix C.

(v) If the physician finds that significant irritation of the mucosa of the eyes or the upper airways, respiratory sensi-

zation, dermal irritation, or dermal sensitization result from workplace formaldehyde exposure and recommends restrictions or removal. The employer shall promptly comply with the restrictions or recommendations of removal. In the event of a recommendation of removal, the employer shall remove the affected employee from the current formaldehyde exposure and if possible, transfer the employee to work having no or significantly less exposure to formaldehyde.

(vi) When an employee is removed pursuant to item (v) of this subdivision, the employer shall transfer the employee to comparable work for which the employee is qualified or can be trained in a short period (up to six months), where the formaldehyde exposures are as low as possible, but not higher than the action level. The employer shall maintain the employee's current earnings, seniority, and other benefits. If there is no such work available, the employer shall maintain the employee's current earnings, seniority, and other benefits until such work becomes available, until the employee is determined to be unable to return to workplace formaldehyde exposure, until the employee is determined to be able to return to the original job status, or for six months, whichever comes first.

(vii) The employer shall arrange for a follow-up medical examination to take place within six months after the employee is removed pursuant to this subsection. This examination shall determine if the employee can return to the original job status, or if the removal is to be permanent. The physician shall make a decision within six months of the date the employee was removed as to whether the employee can be returned to the original job status, or if the removal is to be permanent.

(viii) An employer's obligation to provide earnings, seniority, and other benefits to a removed employee may be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(ix) In making determinations of the formaldehyde content of materials under this subsection the employer may rely on objective data.

(i) Multiple physician review.

(i) After the employer selects the initial physician who conducts any medical examination or consultation to determine whether medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the initial physician and to conduct such examinations, consultations, and laboratory tests as the second physician deems necessary and appropriate to evaluate the effects of formaldehyde exposure and to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation for the purpose of medical removal or restriction.

(iii) The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the notification of the right to seek a second medi-

cal opinion, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informs the employer of the intention to seek a second medical opinion; and

(B) The employee initiates steps to make an appointment with a second physician.

(iv) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve the disagreement. If the two physicians are unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician who shall be a specialist in the field at issue:

(A) To review the findings, determinations, or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests, and discussions with prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) In the alternative, the employer and the employee or authorized employee representative may jointly designate such third physician.

(vi) The employer shall act consistent with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC ((~~296-62-05403-(6)(e))~~) 296-800-170 for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC ((~~296-62-05409 through 296-62-05419~~)) 296-800-170. The definitions of the chemical hazard communication standard shall apply under this standard.

(i) The following shall be subject to the hazard communication requirements of this section: Formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under reasonably foreseeable concentrations reaching or exceeding 0.1 ppm.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC ((~~296-62-05411~~)) 296-800-170 are affixed to all containers of materials listed in (a)(i) of this subsection, except to the extent that (a)(i) of this subsection is inconsistent with this item.

(ii) Information on labels. As a minimum, for all materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify that the product contains formaldehyde: List the name and address of the responsible party; and state that physical and health hazard information is readily available from the employer and from material safety data sheets.

(iii) For materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all the hazards as defined in (~~Part C, WAC 296-62-054 through 296-62-05425~~) WAC 296-800-170, and Appendices A and B, including respiratory sensitization, and shall contain the words "Potential Cancer Hazard."

(iv) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(v) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials listed in (a)(i) of this subsection shall comply with the requirements of WAC ((~~296-62-05413~~) 296-800-170) with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials listed in (a)(i) of this subsection shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(e) Written hazard communication program. The employer shall develop, implement, and maintain at the workplace, a written hazard communication program for formaldehyde exposures in the workplace, which at a minimum describes how the requirements specified in this section for labels and other forms of warning and material safety data sheets, and subsection (14) of this section for employee information and training, will be met. Employees in multi-employer workplaces shall comply with the requirements of WAC ((~~296-62-05409 (2)(b)~~) 296-800-170).

(14) Employee information and training.

(a) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program, except that where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm, the employer is not required to provide training.

(b) Frequency. Employers shall provide such information and training to employees at the time of their initial assignment and whenever a new exposure to formaldehyde is introduced into their work area. The training shall be repeated at least annually.

(c) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls;

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency; and

(viii) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E.

(d) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his/her designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to

medical surveillance under this standard. This record shall include:

- (i) The name and Social Security number of the employee;
- (ii) The physician's written opinion;
- (iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and
- (iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Record retention. The employer shall retain records required by this standard for at least the following periods:

- (i) Exposure records and determinations shall be kept for at least thirty years; and
 - (ii) Medical records shall be kept for the duration of employment plus thirty years.
- (e) Availability of records.
- (i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his/her designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217 and WAC 296-800-180.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee in accordance with WAC 296-62-05201 through 296-62-05209, and 296-62-05213 through 296-62-05217.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-62-07601 Scope and application. (1) WAC 296-62-076 applies to all occupational exposures to MDA, Chemical Abstracts Service Registry No. 101-77-9, except as provided in subsections (2) through (7) of this section.

(2) Except as provided in subsection (8) of this section and WAC 296-62-07609(5), this section does not apply to the processing, use, and handling of products containing MDA where initial monitoring indicates that the product is not capable of releasing MDA in excess of the action level under the expected conditions of processing, use, and handling which will cause the greatest possible release; and where no "dermal exposure to MDA" can occur.

(3) Except as provided in subsection (8) of this section, WAC 296-62-076 does not apply to the processing, use, and handling of products containing MDA where objective data are reasonably relied upon which demonstrate the product is not capable of releasing MDA under the expected conditions of processing, use, and handling which will cause the greatest possible release; and where no "dermal exposure to MDA" can occur.

(4) WAC 296-62-076 does not apply to the storage, transportation, distribution, or sale of MDA in intact containers sealed in such a manner as to contain the MDA dusts, vapors, or liquids, except for the provisions of WAC 296-62-054 ((and)), 296-62-07607 and 296-800-170.

(5) WAC 296-62-076 does not apply to the construction industry as defined in WAC 296-155-012(6). (Exposure to MDA in the construction industry is covered by WAC 296-155-173.)

(6) Except as provided in subsection (8) of this section, WAC 296-62-076 does not apply to materials in any form which contain less than 0.1% MDA by weight or volume.

(7) Except as provided in subsection (8) of this section, WAC 296-62-076 does not apply to "finished articles containing MDA."

(8) Where products containing MDA are exempted under subsections (2) through (7) of this section, the employer shall maintain records of the initial monitoring results or objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in the recordkeeping provision of WAC 296-62-07631.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-62-07617 Protective work clothing and equipment. (1) Provision and use. Where employees are subject to dermal exposure to MDA, where liquids containing MDA can be splashed into the eyes, or where airborne concentrations of MDA are in excess of the PEL, the employer shall provide, at no cost to the employee, and ensure that the employee uses, appropriate protective work clothing and equipment which prevent contact with MDA such as, but not limited to:

- (a) Aprons, coveralls, or other full-body work clothing;
- (b) Gloves, head coverings, and foot coverings; and
- (c) Face shields, chemical goggles; or

(d) Other appropriate protective equipment which comply with ((chapter 296-24 WAC, Part A-2)) WAC 296-800-160.

(2) Removal and storage.

(a) The employer shall ensure that, at the end of their work shift, employees remove MDA-contaminated protective work clothing and equipment that is not routinely removed throughout the day in change rooms provided in accordance with the provisions established for change rooms.

(b) The employer shall ensure that, during their work shift, employees remove all other MDA-contaminated protective work clothing or equipment before leaving a regulated area.

(c) The employer shall ensure that no employee takes MDA-contaminated work clothing or equipment out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(d) MDA-contaminated work clothing or equipment shall be placed and stored in closed containers which prevent dispersion of the MDA outside the container.

(e) Containers of MDA-contaminated protective work clothing or equipment which are to be taken out of change

rooms or the workplace for cleaning, maintenance, or disposal shall bear labels warning of the hazards of MDA.

(3) Cleaning and replacement.

(a) The employer shall provide the employee with clean protective clothing and equipment. The employer shall ensure that protective work clothing or equipment required by this paragraph is cleaned, laundered, repaired, or replaced at intervals appropriate to maintain its effectiveness.

(b) The employer shall prohibit the removal of MDA from protective work clothing or equipment by blowing, shaking, or any methods which allow MDA to reenter the workplace.

(c) The employer shall ensure that laundering of MDA-contaminated clothing shall be done so as to prevent the release of MDA in the workplace.

(d) Any employer who gives MDA-contaminated clothing to another person for laundering shall inform such person of the requirement to prevent the release of MDA.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with MDA of the potentially harmful effects of exposure.

(f) MDA-contaminated clothing shall be transported in properly labeled, sealed, impermeable bags or containers.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-62-07621 Communication of hazards to employees. (1) Signs and labels.

(a) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas that bear the following legend:

DANGER MDA MAY CAUSE CANCER LIVER TOXIN
 AUTHORIZED PERSONNEL ONLY
 RESPIRATORS AND PROTECTIVE CLOTHING
 MAY BE REQUIRED TO BE WORN IN THIS AREA

(b) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of MDA within the workplace. The labels shall comply with the requirements of WAC ((296-62-0541+)) 296-800-170 and shall include the following legend:

(i) For pure MDA

DANGER CONTAINS MDA MAY CAUSE CANCER LIVER TOXIN

(ii) For mixtures containing MDA

DANGER CONTAINS MDA CONTAINS MATERIALS
 WHICH MAY CAUSE CANCER LIVER TOXIN

(2) Material safety data sheets (MSDS).

(a) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) for MDA. In meeting this obligation, employers shall make appropriate use of the information found in Appendices A and B.

(b) Employers who are manufacturers or importers shall:

(i) Comply with subdivision (1)(b) of this section as appropriate; and

(ii) Comply with the requirement in WISHA hazard communication standard, WAC 296-62-054, that they deliver to downstream employers an MSDS for MDA.

(3) Information and training.

(a) The employer shall provide employees with information and training on MDA, in accordance with WAC ((296-62-054 through 296-62-05415)) 296-800-170, at the time of initial assignment and at least annually thereafter.

(b) In addition to the information required under WAC ((296-62-054)) 296-800-170, the employer shall:

(i) Provide an explanation of the contents of WAC 296-62-076, including Appendices A and B, and indicate to employees where a copy of the standard is available;

(ii) Describe the medical surveillance program required under WAC 296-62-07625, and explain the information contained in Appendix C; and

(iii) Describe the medical removal provision required under WAC 296-62-07625.

(4) Access to training materials.

(a) The employer shall make readily available to all affected employees, without cost, all written materials relating to the employee training program, including a copy of this regulation.

(b) The employer shall provide to the director, upon request, all information and training materials relating to the employee information and training program.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-62-07631 Recordkeeping. (1) Monitoring data for exempted employers.

(a) Where as a result of the initial monitoring the processing, use, or handling of products made from or containing MDA are exempted from other requirements of this section under WAC 296-62-07601(2), the employer shall establish and maintain an accurate record of monitoring relied on in support of the exemption.

(b) This record shall include at least the following information:

(i) The product qualifying for exemption;

(ii) The source of the monitoring data (e.g., was monitoring performed by the employer or a private contractor);

(iii) The testing protocol, results of testing, and/or analysis of the material for the release of MDA;

(iv) A description of the operation exempted and how the data support the exemption (e.g., are the monitoring data representative of the conditions at the affected facility); and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(2) Objective data for exempted employers.

(a) Where the processing, use, or handling of products made from or containing MDA are exempted from other requirements of WAC 296-62-076 under WAC 296-62-07601, the employer shall establish and maintain an accurate

PERMANENT

record of objective data relied upon in support of the exemption.

(b) This record shall include at least the following information:

- (i) The product qualifying for exemption;
- (ii) The source of the objective data;
- (iii) The testing protocol, results of testing, and/or analysis of the material for the release of MDA;
- (iv) A description of the operation exempted and how the data support the exemption; and

(v) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(c) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(3) Exposure measurements.

(a) The employer shall establish and maintain an accurate record of all measurements required by WAC 296-62-07609, in accordance with Part B of this chapter.

(b) This record shall include:

(i) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(ii) Identification of the sampling and analytical methods used;

(iii) A description of the type of respiratory protective devices worn, if any; and

(iv) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(c) The employer shall maintain this record for at least 30 years, in accordance with Part B of this chapter.

(4) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by WAC 296-62-07625, 296-62-07627, and 296-62-07629, in accordance with Part B of this chapter.

(b) This record shall include:

(i) The name, Social Security number, and description of the duties of the employee;

(ii) The employer's copy of the physician's written opinion on the initial, periodic, and any special examinations, including results of medical examination and all tests, opinions, and recommendations;

(iii) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(iv) Any employee medical complaints related to exposure to MDA.

(c) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(i) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees provided the employer references the standard and its appendices in the medical surveillance record of each employee;

(ii) A copy of the information provided to the physician as required by any sections in the regulatory text;

(iii) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to the information;

(iv) A copy of the employee's medical and work history related to exposure to MDA.

(d) The employer shall maintain this record for at least the duration of employment plus 30 years, in accordance with Part B of this chapter.

(5) Medical removals.

(a) The employer shall establish and maintain an accurate record for each employee removed from current exposure to MDA pursuant to WAC 296-62-07625, 296-62-07627, and 296-62-07629.

(b) Each record shall include:

(i) The name and Social Security number of the employee;

(ii) The date of each occasion that the employee was removed from current exposure to MDA as well as the corresponding date on which the employee was returned to his or her former job status;

(iii) A brief explanation of how each removal was or is being accomplished; and

(iv) A statement with respect to each removal indicating the reason for the removal.

(c) The employer shall maintain each medical removal record for at least the duration of an employee's employment plus 30 years.

(6) Availability.

(a) The employer shall assure that records required to be maintained by WAC 296-62-076 shall be made available, upon request, to the director for examination and copying.

(b) Employee exposure monitoring records required by WAC 296-62-076 shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with the applicable sections of WAC ((296-62-054)) 296-800-170.

(c) Employee medical records required by this section shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with Part B of this chapter.

(7) Transfer of records.

(a) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05215.

(b) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least 90 days prior to disposal, and transmit the records to the director if so requested by the director within that period.

AMENDATORY SECTION (Amending WSR 97-19-014, filed 9/5/97, effective 11/5/97)

WAC 296-62-07717 Protective work clothing and equipment. (1) Provision and use. If an employee is exposed to asbestos above the permissible exposure limits, or where the possibility of eye irritation exists, or for which a required negative exposure assessment is not produced and for any employee performing Class I operations, the employer shall provide at no cost to the employee and require that the

employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (a) Coveralls or similar full-body work clothing;
- (b) Gloves, head coverings, and foot coverings; and
- (c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC ((296-24-07804)) 296-800-160.

(2) Removal and storage.

(a) The employer shall ensure that employees remove work clothing contaminated with asbestos only in change rooms provided in accordance with WAC 296-62-07719(1).

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(c) Contaminated clothing. Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and be labeled in accordance with WAC 296-62-07721.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721(6).

(3) Cleaning and replacement.

(a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(b) The employer shall prohibit the removal of asbestos from protective clothing and equipment by blowing or shaking.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

(4) Inspection of protective clothing for construction and shipyard work.

(a) The competent person shall examine worksuits worn by employees at least once per workshift for rips or tears that may occur during performance of work.

(b) When rips or tears are detected while an employee is working, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.

AMENDATORY SECTION (Amending WSR 99-17-026, filed 8/10/99, effective 11/10/99)

WAC 296-62-07721 Communication of hazards to employees. (1) Communication of hazards to employees. General industry requirements.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in general industry. Asbestos exposure in industry occurs in a wide variety of industrial and commercial settings. Employees who manufacture asbestos-containing products may be exposed to asbestos fibers. Employees who repair and replace automotive brakes and clutches may be exposed to asbestos fibers. In addition, employees engaged in housekeeping activities in industrial facilities with asbestos product manufacturing operations, and in public and commercial buildings with installed asbestos-containing materials may be exposed to asbestos fibers. It should be noted that employees who perform housekeeping activities during and after construction activities are covered by asbestos construction work requirements in WAC 296-62-077. Housekeeping employees, regardless of industry designation, should know whether building components they maintain may expose them to asbestos. Building owners are often the only and/or best source of information concerning the presence of previously installed asbestos-containing building materials. Therefore they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section.

(b) Installed asbestos-containing material. Employers and building owners are required to treat installed TSI and sprayed-on and troweled-on surfacing materials as ACM for the purposes of this standard. These materials are designated "presumed ACM or PACM," and are defined in WAC 296-62-07703. Asphalt and vinyl flooring installed no later than 1980 also must be treated as asbestos-containing. The employer or building owner may demonstrate that PACM and flooring materials do not contain asbestos by complying with WAC 296-62-07712 (10)(a)(ix).

(c) Duties of employers and building and facility owners.

(i) Building and facility owners must determine the presence, location, and quantity of ACM and/or PACM at the worksite. Employers and building and facility owners must exercise due diligence in complying with these requirements to inform employers and employees about the presence and location of ACM and PACM.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, an owner or owner's agent must perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection must be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection must be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the owner or owner's agent is reasonably certain that asbestos will not be disturbed by the project or the owner or owner's agent assumes that the suspect material contains asbestos and

handles the material in accordance with WAC 296-62-07701 through 296-62-07753.

(iii) The owner or owner's agent must provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors must be provided with the written report before they apply or bid to work.

(iv) Any owner or owner's agent who fails to comply with (c)(ii) and (iii) of this subsection must be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues must be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section must be halted immediately and cannot be resumed before meeting such requirements.

(v) Building and facility owners must inform employers of employees, and employers must inform employees who will perform housekeeping activities in areas which contain ACM and/or PACM of the presence and location of ACM and/or PACM in such areas which may be contacted during such activities.

(vi) Upon written or oral request, building or facility owners must make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report must be posted conspicuously at the location where employees report to work.

(vii) Building and facility owners must maintain records of all information required to be provided according to this section and/or otherwise known to the building owner concerning the presence, location and quantity of ACM and PACM in the building/facility. Such records must be kept for the duration of ownership and must be transferred to successive owners.

(2) Communication of hazards to employees. Requirements for construction and shipyard employment activities.

(a) Introduction. This section applies to the communication of information concerning asbestos hazards in construction and shipyard employment activities. Most asbestos-related construction and shipyard activities involve previously installed building materials. Building/vessel owners often are the only and/or best sources of information concerning them. Therefore, they, along with employers of potentially exposed employees, are assigned specific information conveying and retention duties under this section. Installed Asbestos Containing Building/Vessel Material: Employers and building/vessel owners must identify TSI and sprayed or troweled on surfacing materials as asbestos-containing unless the employer, by complying with WAC 296-62-07721(3) determines it is not asbestos containing. Asphalt or vinyl flooring/decking material installed in buildings or vessels no later than 1980 must also be considered as asbestos containing unless the employer/owner, according to WAC 296-62-07712 (10)(a)(ix) determines it is not asbestos containing. If the employer or building/vessel owner has actual knowledge

or should have known, through the exercise of due diligence, that materials other than TSI and sprayed-on or troweled-on surfacing materials are asbestos containing, they must be treated as such. When communicating information to employees according to this standard, owners and employers must identify "PACM" as ACM. Additional requirements relating to communication of asbestos work on multi-employer worksites are set out in WAC 296-62-07706.

(b) Duties of building/vessel and facility owners.

(i) Before work subject to this section is begun, building/vessel and facility owners must identify the presence, location and quantity of ACM, and/or PACM at the worksite. All thermal system insulation and sprayed on or troweled on surfacing materials in buildings/vessels or substrates constructed no later than 1980 must be identified as PACM. In addition, resilient flooring/decking material installed no later than 1980 must also be identified as asbestos containing.

(ii) Before authorizing or allowing any construction, renovation, remodeling, maintenance, repair, or demolition project, a building/vessel and facility owner or owner's agent must perform, or cause to be performed, a good faith inspection to determine whether materials to be worked on or removed contain asbestos. The inspection must be documented by a written report maintained on file and made available upon request to the director.

(A) The good faith inspection must be conducted by an accredited inspector.

(B) Such good faith inspection is not required if the building/vessel and facility owner or owner's agent assumes that the suspect material contains asbestos and handles the material in accordance with WAC 296-62-07701 through 296-62-07753 or if the owner or the owner's agent is reasonably certain that asbestos will not be disturbed by the project.

(iii) The building/vessel and facility owner or owner's agent must provide, to all contractors submitting a bid to undertake any construction, renovation, remodeling, maintenance, repair, or demolition project, the written statement either of the reasonable certainty of nondisturbance of asbestos or of assumption of the presence of asbestos. Contractors must be provided the written report before they apply or bid on work.

(iv) Any building/vessel and facility owner or owners agent who fails to comply with WAC 296-62-07721 (2)(b)(ii) and (iii) must be subject to a mandatory fine of not less than two hundred fifty dollars for each violation. Each day the violation continues must be considered a separate violation. In addition, any construction, renovation, remodeling, maintenance, repair, or demolition which was started without meeting the requirements of this section must be halted immediately and cannot be resumed before meeting such requirements.

(v) Upon written or oral request, building/vessel and facility owner or owner's agent must make a copy of the written report required in this section available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report must be posted conspicuously at the location where employees report to work.

(vi) Building/vessel and facility owner or owner's agent must notify in writing the following persons of the presence, location and quantity of ACM or PACM, at worksites in their buildings/facilities/vessels.

(A) Prospective employers applying or bidding for work whose employees reasonably can be expected to work in or adjacent to areas containing such material;

(B) Employees of the owner who will work in or adjacent to areas containing such material;

(C) On multi-employer worksites, all employers of employees who will be performing work within or adjacent to areas containing such materials;

(D) Tenants who will occupy areas containing such materials.

(c) Duties of employers whose employees perform work subject to this standard in or adjacent to areas containing ACM and PACM. Building/vessel and facility owner or owner's agents whose employees perform such work must comply with these provisions to the extent applicable.

(i) Before work subject to this standard is begun, building/vessel and facility owner or owner's agents must determine the presence, location, and quantity of ACM and/or PACM at the worksite according to WAC 296-62-07721 (2)(b).

(ii) Before work under this standard is performed employers of employees who will perform such work must inform the following persons of the location and quantity of ACM and/or PACM present at the worksite and the precautions to be taken to insure that airborne asbestos is confined to the area.

(A) Owners of the building/vessel or facility;

(B) Employees who will perform such work and employers of employees who work and/or will be working in adjacent areas;

(iii) Upon written or oral request, a copy of the written report required in this section must be made available to the department of labor and industries and the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing materials. A copy of the written report must be posted conspicuously at the location where employees report to work.

(iv) Within 10 days of the completion of such work, the employer whose employees have performed work subject to this standard, must inform the building/vessel or facility owner and employers of employees who will be working in the area of the current location and quantity of PACM and/or ACM remaining in the former regulated area and final monitoring results, if any.

(d) In addition to the above requirements, all employers who discover ACM and/or PACM on a worksite must convey information concerning the presence, location and quantity of such newly discovered ACM and/or PACM to the owner and to other employers of employees working at the worksite, within 24 hours of the discovery.

(e) No contractor may commence any construction, renovation, remodeling, maintenance, repair, or demolition project without receiving a copy of the written response or statement required by WAC 296-62-07721 (2)(b). Any contractor who begins any project without the copy of the written

report or statement will be subject to a mandatory fine of not less than two hundred fifty dollars per day. Each day the violation continues will be considered a separate violation.

(3) Criteria to rebut the designation of installed material as PACM.

(a) At any time, an employer and/or building/vessel owner may demonstrate, for purposes of this standard, that PACM does not contain asbestos. Building/vessel owners and/or employers are not required to communicate information about the presence of building material for which such a demonstration according to the requirements of (b) of this subsection has been made. However, in all such cases, the information, data and analysis supporting the determination that PACM does not contain asbestos, must be retained according to WAC 296-62-07727.

(b) An employer or owner may demonstrate that PACM does not contain asbestos by the following:

(i) Having a completed inspection conducted according to the requirements of AHERA (40 CFR Part 763, Subpart E) which demonstrates that the material is not ACM;

(ii) Performing tests of the material containing PACM which demonstrate that no asbestos is present in the material. Such tests must include analysis of bulk samples collected in the manner described in 40 CFR 763.86, Asbestos-containing materials in schools. The tests, evaluation and sample collection must be conducted by an accredited inspector. Analysis of samples must be performed by persons or laboratories with proficiency demonstrated by current successful participation in a nationally recognized testing program such as the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute for Standards and Technology (NIST) or the Round Robin for bulk samples administered by the American Industrial Hygiene Association (AIHA), or an equivalent nationally recognized Round Robin testing program.

(4) At the entrance to mechanical rooms/areas in which employees reasonably can be expected to enter and which contain TSI or surfacing ACM and PACM, the building/vessel and facility owner or owner's agent must post signs which identify the material which is present, its location, and appropriate work practices which, if followed, will ensure that ACM and/or PACM will not be disturbed. The employer shall ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may include the use of foreign languages, pictographs, graphics, and awareness training.

(5) Warning signs.

(a) Warning signs that demarcate the regulated area must be provided and displayed at each location where a regulated area is required. In addition, warning signs must be posted at all approaches to regulated areas and be posted at such a distance from such a location that an employee may read the signs and take necessary protective steps before entering the area marked by the signs.

(b) The warning signs required by (a) of this subsection must bear the following information:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED IN
THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by (a) of this subsection. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(6) Warning labels.

(a) Warning labels must be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Installed asbestos products must contain a visible label, except where such a label would clearly not be feasible.

(b) Labels must be printed in large, bold letters on a contrasting background.

(c) The labels must comply with the requirements of WAC ((296-62-0541+)) 296-800-170, and must include the following information:

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(7) The provisions for labels required by subsection (6)(a) of this section or for material safety data sheets required by subsection (8) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 1.0 percent by weight.

(8) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products must comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (7) of this section.

(9) When a building/vessel owner/or employer identifies previously installed PACM and/or ACM, labels or signs must be affixed or posted so that employees will be notified of what materials contain PACM and/or ACM. The employer must attach such labels in areas where they will clearly be noticed by employees who are likely to be exposed, such as at the entrance to mechanical rooms/areas. Signs required by subsection (5)(a) of this section may be posted in lieu of labels so long as they contain information required for labeling. The employer must ensure, to the extent feasible, that employees who come in contact with these signs can comprehend them. Means to ensure employee comprehension may

include the use of foreign languages, pictographs, graphics, and awareness training.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-62-11021 Open surface tanks. (1) General.

(a) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(b) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960.

(2) Classification of open-surface tank operations.

(a) Open-surface tank operations shall be classified into 16 classes, numbered A-1 to D-4, inclusive.

(b) Determination of class. Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(c) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (ppm), or in milligrams of mist per cubic meter of air (mg/m³), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in WAC 296-62-075 through 296-62-07515.

(d) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34-1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest ppm or mg/m³) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of that contaminant

exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A of (2)(e) of this section.)

(e) Hazard potential shall be determined from Table 16, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a permissible exposure limit in ppm or a mist with a TLV in mg/m³, the TLV indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

Note A:

$$\frac{c_1}{PEL} + \frac{c_2}{PEL} + \frac{c_3}{PEL} + \dots + \frac{c_N}{PEL} > 1$$

where:

c = Concentration measured at the operation in ppm.

TABLE 16
DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group		
	Gas or vapor (ppm)	Mist (mg/m ³)	Flash point (in degrees F.)
A	0 - 10	0 - 0.1
B	11 - 100	0.11 - 1.0	Under 100
C	101 - 500	1.1 - 10	100-200
D	Over 500	Over 10	Over 200

(f) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of:

(i) The temperature of the liquid in the tank in degrees Fahrenheit;

(ii) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(iii) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(iv) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table 17, Note 2.) Gassing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (see Table 17, Note 3).

(g) Rate of evolution shall be determined from Table 17. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE 17
DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION¹

Rate	Liquid temperature, °F	Degrees below boiling point		Relative Gassing ³
		Evaporation ²		
1	Over 200	0-20	Fast	High
2	150-200	21-50	Medium	Medium
3	94-149	51-100	Slow	Low
4	Under 94	Over 100	Nil	Nil

Note 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carry out of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedures are average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

Note 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in *Industrial and Engineering Chemistry*, vol. 27, p. 1169, (3) where time for 100—percent evaporation is as follows: Fast: 0-3 hours; Medium: 3-12 hours; Slow: 12-50 hours; Nil: more than 50 hours.

Note 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) Ventilation. Where ventilation is used to control potential exposures to workers as defined in (2)(c) of this section, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in *American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems*, Z9.2-1960.

(4) Control requirements.

(a) Control velocities shall conform to Table 18 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(b) All tanks exhausted by means of hoods which;

(i) Project over the entire tank;

(ii) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(iii) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(iv) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE 18
CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Subparagraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ (See Subparagraph (4)(iii))	Canopy hood ² (See Subparagraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use

PERMANENT

TABLE 18

CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Sub-paragraph (2) and Tables 16 and 17)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust ¹ (See Subparagraph (4)(iii))	Canopy hood ² (See Subparagraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-3 (Note ²),					
B-1, B-2, and C-1	75	100	100	125	175
B-3, C-2, and D-1 (Note ³)	65	90	75	100	150
A-4 (Note ²), C-3, and D-2 (Note ³)	50	75	50	75	125
B-4, C-4, D-3 (Note ³), and D-4	General room ventilation required.				

¹ See Table 19 for computation of ventilation rate.

² Do not use canopy hood for Hazard Potential A processes.

³ Where complete control of hot water is desired, design as next highest class.

(c) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table 19 for all variations in ratio of tank width (W) to tank length (L). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table 19.

(i) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(A) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(B) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(C) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(D) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a man-

ner as to significantly interfere with the performance of the exhaust hood.

TABLE 19

MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table	C.f.m. per sq. ft. to maintain required minimum velocities at following ratios (tank width (W)/tank length (L)). ^{1 3}				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0
Hood along one side or two parallel sides of tank when one hood is against a wall or baffle. ²					
Also for a manifold along tank centerline. ³					
50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

¹ It is not practicable to ventilate across the long dimension of a tank whose ratio W/L exceeds 2.0.

It is understandable to do so when W/L exceeds 1.0. For circular tanks with lateral exhaust along up the circumference use W/L= 1.0 for over one-half the circumference use W/L= 0.5.

² Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

³ Use W/L as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (W) means the effective width over which the hood must pull air to operate (for example, where the hood face is not back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyORIZED systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(E) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(d) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(e) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 per-

PERMANENT

cent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) Spray cleaning and degreasing. Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered in WAC 296-62-11019.

(6) Control means other than ventilation. Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with (2) of this section.

(7) System design.

(a) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(b) The capacity required in (7)(a) of this section shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

(i) Entrance losses into the hood.

(ii) Resistance to airflow in branch pipe including bends and transformations.

(iii) Entrance loss into the main pipe.

(iv) Resistance to airflow in main pipe including bends and transformations.

(v) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(vi) Resistance in outlet duct and discharge stack.

(c) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(d) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) Operation.

(a) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the air-

flow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2-1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(b) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(c) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) Personal protection.

(a) All employees working in and around open surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(b) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(c) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(d) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(e) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting

chemical goggles or an effective face shield. (See WAC ((296-24-078)) 296-800-160.)

(f) When, during emergencies as described in (11)(e) of this section, employees must be in areas where concentrations of air contaminants are greater than the limit set by (2)(c) of this section or oxygen concentrations are less than 19.5%, they must be required to wear respirators adequate to reduce their exposure to a level below these limits or that provide adequate oxygen. Such respirators must also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators must be certified by NIOSH under 42 CFR part 84 and used in accordance with the applicable provisions of chapter 296-62 WAC Part E.

(g) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(h) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chance of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(i) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. (See WAC ((296-24-12009)) 296-800-230.)

(j) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(k) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) Special precautions for cyanide. Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) Inspection, maintenance, and installation.

(a) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(b) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(c) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance

may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by (2)(c) of this section are exceeded, or if the oxygen concentration is less than 19.5%.

(d) If the tests made in accordance with (11)(c) of this section indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(e) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with (9)(f) of this section, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(f) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with (9)(f) of this section. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) Vapor degreasing tanks.

(a) In any vapor degreasing tank equipped with a condenser and vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(b) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

(c) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(d) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing,

shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

(13) Scope.

(a) This paragraph applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering their surfaces, or adding or imparting a finish thereto, or changing the character of the materials, and their subsequent removal from the liquids or vapors, draining, and drying. Such operations include washing, electroplating, anodizing, pickling, quenching, dyeing, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations, but do not include molten materials handling operations, or surface coating operations.

(b) "Molten materials handling operations" means all operations, other than welding, burning, and soldering operations, involving the use, melting, smelting, or pouring of metals, alloys, salts, or other similar substances in the molten state. Such operations also include heat treating baths, descaling baths, die casting stereotyping, galvanizing, tinning, and similar operations.

(c) "Surface coating operations" means all operations involving the application of protective, decorative, adhesive, or strengthening coating or impregnation to one or more surfaces, or into the interstices of any object or material, by means of spraying, spreading, flowing, brushing, roll coating, pouring, cementing, or similar means; and any subsequent draining or drying operations, excluding open-tank operations.

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)

WAC 296-62-20013 Protective clothing and equipment. (1) Provision and Use. The employer shall provide and assure the use of appropriate protective clothing and equipment, such as but not limited to:

- (a) Flame resistant jacket and pants;
- (b) Flame resistant gloves;
- (c) Face shields or vented goggles which comply with WAC ((296-24-078)) 296-800-160;
- (d) Footwear providing insulation from hot surfaces;
- (e) Safety shoes which comply with WAC ((296-24-088)) 296-800-160; and
- (f) Protective helmets which comply with WAC ((296-24-084)) 296-800-160.

(2) Cleaning and Replacement.

(a) The employer shall provide the protective clothing required by subsection (1)(a) and (b) of this section in a clean and dry condition at least weekly.

(b) The employer shall clean, launder, or dispose of protective clothing required by subsections (1)(a) and (b) of this section.

(c) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(d) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in WAC 296-62-20015.

(e) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the changeroom.

(f) The employer shall inform any person who cleans or launders protective clothing required by this section, of the potentially harmful effects of exposure to coke oven emissions.

AMENDATORY SECTION (Amending Order 77-14, filed 7/25/77)

WAC 296-62-20015 Hygiene facilities and practices.

(1) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with WAC 296-62-20013.

(2) Showers.

(a) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(b) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(3) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in the regulated area.

(4) Lavatories.

(a) The employer shall assure that employees working in the regulated area wash their hands and face prior to eating.

(b) The employer shall provide lavatory facilities in accordance with WAC ((296-24-12007)) 296-800-230.

(5) Prohibition of activities in the regulated area.

(a) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, except, that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (1)-(3) of this section.

(b) Drinking water may be consumed in the regulated area.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-30001 Scope and application. (1) Scope. This section covers employers who have employees who work in the following operations:

(a) Clean-up operations required by a governmental body, whether federal, state, local, or other involving hazardous substances that are conducted at uncontrolled hazardous waste sites (including, but not limited to, the EPA's National Priority Site List (NPL), state priority site lists, sites recommended for the EPA NPL, and initial investigations of government identified sites which are conducted before the presence or absence of hazardous substances has been ascertained);

(b) Corrective actions involving clean-up operations at sites covered by the Resource Conservation and Recovery Act of 1976 (RCRA) as amended (42 U.S.C. 6901 et seq.);

(c) Voluntary clean-up operations at sites recognized by federal, state, local, or other governmental bodies as uncontrolled hazardous waste sites;

(d) Operations involving hazardous wastes that are conducted at treatment, storage, and disposal (TSD) facilities regulated by 40 CFR Parts 264 and 265 under RCRA; or by agencies under agreement with U.S.E.P.A. to implement RCRA regulations.

(2) Application.

(a) All requirements of this chapter and chapters 296-24 ~~((and))~~, 296-155, and 296-800 WAC apply to hazardous waste operations whether covered by this part or not. If there is a conflict or overlap, the provision more protective of employee safety and health must apply.

(b) Hazardous substance clean-up operations within the scope of subsection (1)(a), (b), and (c) of this section must comply with all sections of WAC 296-62-410, Part R, Emergency response to hazardous substance release.

(c) Operations within the scope of subsection (1)(d) of this section must comply only with the requirements of WAC 296-62-3140 through 296-62-31430.

Notes and Exceptions:

(i) All provisions of WAC 296-62-3140 through 296-62-31430 cover any treatment, storage, or disposal (TSD) operation regulated by 40 CFR Parts 264 and 265 or by state law authorized under RCRA, and required to have a permit or interim status from EPA under 40 CFR 270.1 or from a state agency under RCRA.

(ii) Employers who are not required to have a permit or interim status because they are conditionally exempt small quantity generators under 40 CFR 261.5 or are generators who qualify under 40 CFR 262.34 for exemptions from regulation under 40 CFR Parts 264, 265, and 270 ("excepted employers") are not covered by WAC 296-62-31405 through 296-62-31445. Excepted employers who are required by the EPA or state agency to have their employees engage in emergency response or who direct their employees to engage in emergency response are covered by WAC 296-62-31450 through 296-62-31470 and cannot be exempted by WAC 296-62-31455. Excepted employers who are not required to have employees engage in emergency response, who direct their employees to evacuate in the case of such emergencies and who meet the requirements of WAC 296-62-31455 are exempt from the balance of WAC 296-62-31450 through 296-62-31470.

(iii) If an area is used primarily for treatment, storage or disposal, any emergency response operations in that area must comply with WAC 296-62-31410 through 296-62-31470. In other areas not used primarily for treatment, storage or disposal, any emergency response operations must comply with WAC 296-62-410, Part R, Emergency response to hazardous substance release. Compliance with the requirements of WAC 296-62-410, Part R, Emergency response to hazardous substance release must be deemed to be in compli-

ance with the requirements of WAC 296-62-31450 through 296-62-31470.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-30230 Risk identification. Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances must be identified. Employees who will be working on the site must be informed of any risks that have been identified. In situations covered by ~~((chapter 296-62-WAC, Part C))~~ WAC 296-800-170, training required by those standards need not be duplicated.

Note: Risks to consider include, but are not limited to:

- (1) Exposures exceeding the permissible exposure limits and published exposure levels.
- (2) IDLH concentrations.
- (3) Potential skin absorption and irritation sources.
- (4) Potential eye irritation sources.
- (5) Explosion sensitivity and flammability ranges.
- (6) Oxygen deficiency.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-30235 Employee notification. Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform must be made available to all employees prior to the commencement of their work activities. The employer may use information developed for the chemical hazard communication standard, ~~((chapter 296-62-WAC, Part C))~~ WAC 296-800-170, for this purpose.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-30425 Training course content for 40 and 80 hour hazardous waste cleanup courses. As a minimum, the training course content for the 40 hour and 80 hour training program must include the following topics:

- (1) Overview of the applicable sections of Part P of chapter 296-62 WAC and the elements of an employer's effective occupational safety and health program.
- (2) Effect of chemical exposure to hazardous substances (i.e., toxicity, carcinogens, irritants, sensitizers, etc.).
- (3) Effects of biological and radiological exposures.
- (4) Fire and explosion hazards (i.e., flammable and combustible liquids, reactive materials).
- (5) General safety hazards, including electrical hazards, powered equipment hazards, walking-working surface hazards and those hazards associated with hot and cold temperature extremes.
- (6) Permit-required confined space, tank, and vault hazards and entry procedures.
- (7) Names of personnel and alternates, where appropriate, responsible for site safety and health at the site.

(8) Specific safety, health, and other hazards that are to be addressed at a site and in the site safety and health plan.

(9) Use of personal protective equipment and the implementation of the personal protective equipment program.

(10) Work practices that will minimize employee risk from site hazards.

(11) Safe use of engineering controls and equipment and any new relevant technology or procedure.

(12) Content of the medical surveillance program and requirements, including the recognition of signs and symptoms of overexposure to hazardous substances.

(13) The contents of an effective site safety and health plan.

(14) Use of monitoring equipment with "hands-on" experience and the implementation of the employee and site monitoring program.

(15) Implementation and use of the information program.

(16) Drum and container handling procedures and the elements of a spill containment program.

(17) Selection and use of material handling equipment.

(18) Methods for assessment of risk and handling of radioactive wastes.

(19) Methods for handling shock-sensitive wastes.

(20) Laboratory waste pack handling procedures.

(21) Container sampling procedures and safeguards.

(22) Safe preparation procedures for shipping and transport of containers.

(23) Decontamination program and procedures.

(24) Emergency response plan and procedures including first aid.

(25) Safe site illumination levels.

(26) Site sanitation procedures and equipment for employee needs.

(27) Review of the applicable appendices to Part P of chapter 296-62 WAC.

(28) Overview and explanation of WISHA's chemical hazard communication standard ((~~Part C of chapter 296-62~~) WAC 296-800-170).

(29) Sources of reference, additional information and efficient use of relevant manuals and hazard coding systems.

(30) Principles of toxicology and biological monitoring.

(31) Rights and responsibilities of employees and employers under WISHA and CERCLA.

(32) Hands-on field exercises and demonstrations.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-30435 16-hour supplemental training for hazardous waste sites. As a minimum, employees who have received 24 hours of training for hazardous waste site operations must receive training in the following topics before they are allowed to work as general site workers or if they are required to wear respirators:

(1) Relevant chemical exposures to hazardous substances beyond that previously covered.

(2) Site hazards including fire and explosion, confined spaces, oxygen deficiency, electrical, powered equipment,

and walking-working surfaces beyond that previously covered.

(3) Names of personnel and alternates responsible for site safety and health at the site, where appropriate.

(4) Use of monitoring equipment and the implementation of the employee and the site monitoring program beyond that previously covered.

(5) Implementation and use of the informational program.

(6) Drum and container handling procedures and the elements of a spill containment program.

(7) Selection and use of material handling equipment.

(8) Methods for assessment of risk and handling of radioactive wastes.

(9) Methods for handling shock-sensitive wastes.

(10) Laboratory waste pack handling procedures.

(11) Container sampling procedures and safeguards.

(12) Safe preparation procedures for shipping and transport of containers.

(13) Decontamination program and procedures.

(14) Safety site illumination levels.

(15) Site sanitation procedures and equipment.

(16) Review of the applicable appendices to Part P of chapter 296-62 WAC.

(17) Overview and explanation of WISHA's Chemical hazard communication standard ((~~Part C of chapter 296-62~~) WAC 296-800-170).

(18) Sources of reference and additional information.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-30605 Personal protective equipment selection. (1) Personal protective equipment (PPE) must be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(2) Personal protective equipment selection must be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(3) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply must be used when chemical exposure levels present will create a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(4) Totally encapsulating chemical protective suits (protection equivalent to Level A protection as recommended in Appendix B) must be used in conditions where skin absorption of a hazardous substance may result in a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(5) The level of protection provided by PPE selection must be increased when additional information or site conditions indicate that increased protection is necessary to reduce employee exposures below permissible exposure limits and published exposure levels for hazardous substances and

health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(6) Personal protective equipment must be selected and used to meet the requirements of ((~~chapter 296-24 WAC, Part A-2~~) WAC 296-800-160, and additional requirements specified in this part.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-3090 General requirements for handling drums and containers. (1) Hazardous substances and contaminated soils, liquids, and other residues must be handled, transported, labeled, and disposed of in accordance with this section.

(2) Drums and containers used during the clean-up must meet the appropriate DOT, OSHA, WISHA, and EPA regulations for the wastes that they contain.

(3) When practical, drums and containers must be inspected and their integrity must be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) must be moved to an accessible location and inspected prior to further handling.

(4) Unlabeled drums and containers must be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(5) Site operations must be organized to minimize the amount of drum or container movement.

(6) Prior to movement of drums or containers, all employees exposed to the transfer operation must be warned of the potential hazards associated with the contents of the drums or containers.

(7) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent must be kept available and used in areas where spills, leaks, or ruptures may occur.

(8) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, must be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(9) Drums and containers that cannot be moved without rupture, leakage, or spillage must be emptied into a sound container using a device classified for the material being transferred.

(10) A ground-penetrating system or other type of detection system or device must be used to estimate the location and depth of buried drums or containers.

(11) Soil or covering material must be removed with caution to prevent drum or container rupture.

(12) Fire extinguishing equipment meeting the requirements of ((~~Part G of chapter 296-24~~) WAC 296-800-300 must be on hand and ready for use to control incipient fires.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-31410 Hazard communication program requirements under RCRA. The employer must implement a hazard communication program meeting the requirements of ((~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, as part of the employer's safety and health program.

Note: The exemption for hazardous waste provided in WAC ((~~296-62-054~~) 296-800-170) is applicable to this section.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-3195 Appendix E—Training curriculum guidelines. The following nonmandatory general criteria may be used for assistance in developing site-specific training curriculum used to meet the training requirements of WAC 296-62-3040 through 296-62-30465, 296-62-31435 through 296-62-31445, 296-62-31465, 296-62-4102 through 296-62-41021, and 296-62-41023.

These are generic guidelines and they are not presented as a complete training curriculum for any specific employer. Site-specific training programs must be developed on the basis of a needs assessment of the hazardous waste site, RCRA/TSD, or emergency response operation in accordance with this chapter (chapter 296-62 WAC, Part P and Part R).

The guidance set forth here presents a highly effective program that in the areas covered would meet or exceed the regulatory requirements. In addition, other approaches could meet the regulatory requirements.

Suggested general criteria:

Definitions:

"Competent" means possessing the skills, knowledge, experience, and judgment to perform assigned tasks or activities satisfactorily as determined by the employer.

"Demonstration" means the showing by actual use of equipment or procedures.

"Hands-on training" means training in a simulated work environment that permits each student to have experience performing tasks, making decisions, or using equipment appropriate to the job assignment for which the training is being conducted.

"Initial training" means training required prior to beginning work.

"Lecture" means an interactive discourse with a class lead by an instructor.

"Proficient" means meeting a stated level of achievement.

"Site-specific" means individual training directed to the operations of a specific job site.

"Training hours" means the number of hours devoted to lecture, learning activities, small group work sessions, demonstration, evaluations, or hands-on experience.

Suggested core criteria:

(1) Training facility. The training facility should have available sufficient resources, equipment, and site locations to perform concise and hands-on training when appropriate. Training facilities should have sufficient organization, sup-

port staff, and services to conduct training in each of the courses offered.

(2) Training director. Each training program should be under the direction of a training director who is responsible for the program. The training director should have a minimum of two years of employee education experience.

(3) Instructors. Instructors should be deemed competent on the basis of previous documented experience in their area of instruction, successful completion of a "train-the-trainer" program specific to the topics they will teach, and an evaluation of instructional competence by the training director.

(a) Instructors should be required to maintain professional competency by participating in continuing education or professional development programs or by successfully completing an annual refresher course and having an annual review by the training director.

(b) The annual review by the training director should include observation of an instructor's delivery, a review of those observations with the trainer, and an analysis of any instructor or class evaluations completed by the students during the previous year.

(4) Course materials. The training director should approve all course materials to be used by the training provider. Course materials should be reviewed and updated at least annually. Materials and equipment should be in good working order and maintained properly.

(a) All written and audio-visual materials in training curricula should be peer reviewed by technically competent outside reviewers or by a standing advisory committee.

(b) Reviewers should possess expertise in the following disciplines were applicable: Occupational health, industrial hygiene and safety, chemical/environmental engineering, employee education, or emergency response. One or more of the peer reviewers should be an employee experienced in the work activities to which the training is directed.

(5) Students. The program for accepting students should include:

(a) Assurance that the student is or will be involved in work where chemical exposures are likely and that the student possesses the skills necessary to perform the work.

(b) A policy on the necessary medical clearance.

(6) Ratios. Student-instructor ratios should not exceed thirty students per instructor. Hands-on activity requiring the use of personal protective equipment should have the following student-instructor ratios: For Level C or Level D personal protective equipment the ratio should be ten students per instructor. For Level A or Level B personal protective equipment the ratio should be five students per instructor.

(7) Proficiency assessment. Proficiency should be evaluated and documented by the use of a written assessment and a skill demonstration selected and developed by the training director and training staff. The assessment and demonstration should evaluate the knowledge and individual skills developed in the course of training. The level of minimum achievement necessary for proficiency must be specified in writing by the training director.

(a) If a written test is used, there should be a minimum of fifty questions. If a written test is used in combination with a skills demonstration, a minimum of twenty-five questions should be used. If a skills demonstration is used, the tasks

chosen and the means to rate successful completion should be fully documented by the training director.

(b) The content of the written test or of the skill demonstration must be relevant to the objectives of the course.

The written test and skill demonstration should be updated as necessary to reflect changes in the curriculum and any update should be approved by the training director.

(c) The proficiency assessment methods, regardless of the approach or combination of approaches used, should be justified, documented and approved by the training director.

(d) The proficiency of those taking the additional courses for supervisors should be evaluated and documented by using proficiency assessment methods acceptable to the training director. These proficiency assessment methods must reflect the additional responsibilities borne by supervisory personnel in hazardous waste operations or emergency response.

(8) Course certificate. Written documentation should be provided to each student who satisfactorily completes the training course. The documentation should include:

(a) Student's name.

(b) Course title.

(c) Course date.

(d) Statement that the student has successfully completed the course.

(e) Name and address of the training provider.

(f) An individual identification number for the certificate.

(g) List of the levels of personal protective equipment used by the student to complete the course.

(i) This documentation may include a certificate and an appropriate wallet-sized laminated card with a photograph of the student and the above information.

(ii) When such course certificate cards are used, the individual identification number for the training certificate should be shown on the card.

(9) Recordkeeping. Training providers should maintain records listing the dates courses were presented, the names of the individual course attendees, the names of those students successfully completing each course, and the number of training certificates issued to each successful student. These records should be maintained for a minimum of five years after the date an individual participated in a training program offered by the training provider. These records should be available and provided upon the student's request or as mandated by law.

(10) Program quality control. The training director should conduct or direct an annual written audit of the training program. Program modifications to address deficiencies, if any, should be documented, approved, and implemented by the training provider. The audit and the program modification documents should be maintained at the training facility.

Suggested Program Quality Control Criteria:

Factors listed here are suggested criteria for determining the quality and appropriateness of employee health and safety training for hazardous waste operations and emergency response.

(1) Training plan. Adequacy and appropriateness of the training program's curriculum development, instructor train-

ing, distribution of course materials, and direct student training should be considered, including:

- (a) The duration of training, course content, and course schedules/agendas;
 - (b) The different training requirements of the various target populations, as specified in the appropriate generic training curriculum;
 - (c) The process for the development of curriculum, which includes appropriate technical input, outside review, evaluation, program pretesting.
 - (d) The adequate and appropriate inclusion of hands-on, demonstration, and instruction methods;
 - (e) Adequate monitoring of student safety, progress, and performance during the training.
- (2) Program management, training director, staff, and consultants. Adequacy and appropriateness of staff performance and delivering an effective training program should be considered, including:
- (a) Demonstration of the training director's leadership in assuring quality of health and safety training;
 - (b) Demonstration of the competency of the staff to meet the demands of delivering high quality hazardous waste employee health and safety training;
 - (c) Organization charts establishing clear lines of authority;
 - (d) Clearly defined staff duties including the relationship of the training staff to the overall program;
 - (e) Evidence that the training organizational structure suits the needs of the training program;
 - (f) Appropriateness and adequacy of the training methods used by the instructors;
 - (g) Sufficiency of the time committed by the training director and staff to the training program;
 - (h) Adequacy of the ratio of training staff to students;
 - (i) Availability and commitment of the training program of adequate human and equipment resources in the areas of:
 - (i) Health effects;
 - (ii) Safety;
 - (iii) Personal protective equipment (PPE);
 - (iv) Operational procedures;
 - (v) Employee protection practices/procedures;
 - (j) Appropriateness of management controls;
 - (k) Adequacy of the organization and appropriate resources assigned to assure appropriate training;
 - (l) In the case of multiple-site training programs, adequacy of management of the satellite centers.
- (3) Training facilities and resources. Adequacy and appropriateness of the facilities and resources for supporting the training program should be considered, including:
- (a) Space and equipment to conduct the training;
 - (b) Facilities for representative hands-on training;
 - (c) In the case of multiple-site programs, equipment and facilities at the satellite centers;
 - (d) Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance;
 - (e) Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action;

(f) Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program;

(g) Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.

(4) Quality control and evaluation. Adequacy and appropriateness of quality control and evaluation plans for training programs should be considered, including:

(a) A balanced advisory committee and/or competent outside reviewers to give overall policy guidance;

(b) Clear and adequate definition of the composition and active programmatic role of the advisory committee or outside reviewers;

(c) Adequacy of the minutes or reports of the advisory committee or outside reviewers' meetings or written communication;

(d) Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance;

(e) Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action;

(f) Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program;

(g) Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.

(5) Students. Adequacy and appropriateness of the program for accepting students should be considered, including:

(a) Assurance that the student already possess the necessary skills for their job, including necessary documentation;

(b) Appropriateness of methods the program uses to ensure that recruits are capable of satisfactorily completing training;

(c) Review and compliance with any medical clearance policy.

(6) Institutional environment and administrative support. The adequacy and appropriateness of the institutional environment and administrative support system for the training program should be considered, including:

(a) Adequacy of the institutional commitment to the employee training program;

(b) Adequacy and appropriateness of the administrative structure and administrative support.

(7) Summary of evaluation questions. Key questions for evaluating the quality and appropriateness of an overall training program should include the following:

(a) Are the program objectives clearly stated?

(b) Is the program accomplishing its objectives?

(c) Are appropriate facilities and staff available?

(d) Is there an appropriate mix of classroom, demonstration, and hands-on training?

(e) Is the program providing quality employee health and safety training that fully meets the intent of regulatory requirements?

(f) What are the program's main strengths?

(g) What are the program's main weaknesses?

(h) What is recommended to improve the program?

- (i) Are instructors instructing according to their training outlines?
- (j) Is the evaluation tool current and appropriate for the program content?
- (k) Is the course material current and relevant to the target group?

Suggested Training Curriculum Guidelines:

The following training curriculum guidelines are for those operations specifically identified in this Part P, as requiring training. Issues such as qualifications of instructors, training certification, and similar criteria appropriate to all categories of operations addressed in this Part P, have been covered in the preceding section and are not readdressed in each of the generic guidelines. Basic core requirements for training programs that are addressed include: (1) *General hazardous waste operations*; (2) *RCRA operations—Treatment, storage, and disposal facilities*.

(1) General hazardous waste operations and site-specific training.

(a) Off-site training. Training course content for hazardous waste operations, required by WAC 296-62-3040 through 296-62-30465, should include the following topics or procedures:

- (i) Regulatory knowledge.
 - (A) A review of this Part P and the core elements of an occupational safety and health program.
 - (B) The content of a medical surveillance program as outlined in WAC 296-62-3050 through 296-62-30535.
 - (C) The content of an effective site safety and health plan consistent with the requirements of WAC 296-62-30135(2).
 - (D) Emergency response plan and procedures as outlined in WAC 296-24-567 and 296-62-3110 through 296-62-31110.
 - (E) Adequate illumination.
 - (F) Sanitation recommendation and equipment.
 - (G) Review and explanation of WISHA's hazard-communication standard (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, and chapter 296-24 WAC, Part A-4, safety procedures for the control of hazardous energy (lockout/tagout).
 - (H) Review of other applicable standards including but not limited to those in the construction standards, chapter 296-155 WAC.

(I) Rights and responsibilities of employers and employees under applicable WISHA/OSHA and department of ecology (DOE)/Environmental Protection Association (EPA) regulations and laws.

(ii) Technical knowledge.

(A) Type of potential exposures to chemical, biological, and radiological hazards; types of human responses to these hazards and recognition of those responses; principles of toxicology and information about acute and chronic hazards; health and safety considerations of new technology.

(B) Fundamentals of chemical hazards including but not limited to vapor pressure, boiling points, flash points, pH, other physical and chemical properties.

(C) Fire and explosion hazards of chemicals.

(D) General safety hazards such as but not limited to electrical hazards, powered equipment hazards, motor vehicle hazards, walking-working surface hazards, excavation

hazards, and hazards associated with working in hot and cold temperature extremes.

(E) Review and knowledge of confined space entry procedures in chapter 296-62 WAC, Part M.

(F) Work practices to minimize employee risk from site hazards.

(G) Safe use of engineering controls, equipment, and any new relevant safety technology or safety procedures.

(H) Review and demonstration of competency with air sampling and monitoring equipment that may be used in a site monitoring program.

(I) Container sampling procedures and safeguarding; general drum and container handling procedures including special requirement for laboratory waste packs, shock-sensitive wastes, and radioactive wastes.

(J) The elements of a spill control program.

(K) Proper use and limitations of material handling equipment.

(L) Procedures for safe and healthful preparation of containers for shipping and transport.

(M) Methods of communication including those used while wearing respiratory protection.

(iii) Technical skills.

(A) Selection, use maintenance, and limitations of personal protective equipment including the components and procedures for carrying out a respirator program to comply with chapter 296-62 WAC Part E, Respiratory Protection.

(B) Instruction in decontamination programs including personnel, equipment, and hardware; hands-on training including Levels A, B, and C ensembles and appropriate decontamination lines; field activities including the donning and doffing of protective equipment to a level commensurate with the employee's anticipated job function and responsibility and to the degree required by potential hazards.

(C) Sources for additional hazard information; exercises using relevant manuals and hazard coding systems.

(iv) Additional suggested items.

(A) A laminated, dated card or certificate with photo, denoting limitations and level of protection for which the employee is trained should be issued to those students successfully completing a course.

(B) Attendance should be required at all training modules, with successful completion of exercises and a final written or oral examination with at least fifty questions.

(C) A minimum of one-third of the program should be devoted to hands-on exercises.

(D) A curriculum should be established for the eight-hour refresher training required by WAC 296-62-30460, with delivery of such courses directed toward those areas of previous training that need improvement or reemphasis.

(E) A curriculum should be established for the required eight-hour training for supervisors. Demonstrated competency in the skills and knowledge provided in forty-hour and eighty-hour courses should be prerequisites for supervisor training.

(b) Refresher training. The eight-hour annual refresher training required in WAC 296-62-30460 should be conducted by qualified training providers. Refresher training should include at a minimum the following topics and procedures:

(i) Review of and retraining on relevant topics covered in the forty-hour and eighty-hour programs, as appropriate, using reports by the students on their work experiences.

(ii) Update on developments with respect to material covered in the forty-hour and eighty-hour courses.

(iii) Review of changes to pertinent provisions of DOE/EPA or WISHA/OSHA standards or laws.

(iv) Introduction of additional subject areas as appropriate.

(v) Hands-on review of new or altered PPE or decontamination equipment or procedures. Review of new developments in personal protective equipment.

(vi) Review of newly developed air and contaminant monitoring equipment.

(c) On-site training. The employer should provide employees engaged in hazardous waste site activities with information and training prior to initial assignment into their work area, as follows:

(i) The requirements of the hazard communication program including the location and availability of the written program, required lists of hazardous chemicals, and material safety data sheets.

(ii) Activities and locations in their work area where hazardous substance may be present.

(iii) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearances, or other evidence (sight, sound or smell)) of hazardous chemicals being released, and applicable alarms from monitoring devices that record chemical releases.

(iv) The physical and health hazards of substances known or potentially present in the work area.

(v) The measures employees can take to help protect themselves from worksite hazards, including specific procedures the employer has implemented.

(vi) An explanation of the labeling system and material safety data sheets and how employees can obtain and use appropriate hazard information.

(vii) The elements of the confined space program including special PPE, permits, monitoring requirements, communication procedures, emergency response, and applicable lockout procedures.

(d) The employer should provide hazardous waste employees with information and training and should provide a review and access to the site safety and health plan as follows:

(i) Names of personnel and alternate responsible for site safety and health.

(ii) Safety and health hazards present on the site.

(iii) Selection, use, maintenance, and limitations of personal protective equipment specific to the site.

(iv) Work practices by which the employee can minimize risks from hazards.

(v) Safe use of engineering controls and equipment available on site.

(vi) Safe decontamination procedures established to minimize employee contact with hazardous substances, including:

(A) Employee decontamination;

(B) Clothing decontamination; and

(C) Equipment decontamination.

(vii) Elements of the site emergency response plan, including:

(A) Preemergency planning.

(B) Personnel roles and lines of authority and communication.

(C) Emergency recognition and prevention.

(D) Safe distances and places of refuge.

(E) Site security and control.

(F) Evacuation routes and procedures.

(G) Decontamination procedures not covered by the site safety and health plan.

(H) Emergency medical treatment and first aid.

(I) Emergency equipment and procedures for handling emergency incidents.

(e) The employer should provide hazardous waste employees with information and training on personal protective equipment used at the site, such as the following:

(i) PPE to be used based upon known or anticipated site hazards.

(ii) PPE limitations of materials and construction; limitations during temperature extremes, heat stress, and other appropriate medical considerations; use and limitations of respirator equipment as well as documentation procedures as outlined in chapter 296-62 WAC, Part E, Respiratory Protection.

(iii) PPE inspection procedures prior to, during, and after use.

(iv) PPE donning and doffing procedures.

(v) PPE decontamination and disposal procedures.

(vi) PPE maintenance and storage.

(vii) Task duration as related to PPE limitations.

(f) The employer should instruct the employee about the site medical surveillance program relative to the particular site, including:

(i) Specific medical surveillance programs that have been adapted for the site.

(ii) Specific signs and symptoms related to exposure to hazardous materials on the site.

(iii) The frequency and extent of periodic medical examinations that will be used on the site.

(iv) Maintenance and availability of records.

(v) Personnel to be contacted and procedures to be followed when signs and symptoms of exposures are recognized.

(g) The employees will review and discuss the site safety and health plan as part of the training program. The location of the site safety and health plan and all written programs should be discussed with employees including a discussion of the mechanisms for access, review, and references described.

(2) RCRA operations training for treatment, storage and disposal facilities.

(a) As a minimum, the training course required in WAC 296-62-31435 through 296-62-31440 and 296-62-31465 should include the following topics:

(i) Review of the applicable parts of this Part P and the elements of the employer's occupational safety and health plan.

(ii) Review of relevant hazards such as, but not limited to, chemical, biological, and radiological exposures; fire and explosion hazards; thermal extremes; and physical hazards.

(iii) General safety hazards including those associated with electrical hazards, powered equipment hazards, lockout/tagout procedures, motor vehicle hazards and walking-working surface hazards.

(iv) Confined space hazards and procedures.

(v) Work practices to minimize employee risk from workplace hazards.

(vi) Emergency response plan and procedures including first aid meeting the requirements of WAC 296-62-31450.

(vii) A review of procedures to minimize exposure to hazardous waste and various type of waste streams, including the materials handling program and spill containment program.

(viii) A review of chemical hazard communication programs meeting the requirements of (~~chapter 296-62-WAC, Part C~~) WAC 296-800-170.

(ix) A review of medical surveillance programs meeting the requirements of WAC 296-62-3050 and 296-62-31415 including the recognition of signs and symptoms of overexposure to hazardous substance including known synergistic interactions.

(x) A review of decontamination programs and procedures meeting the requirements of WAC 296-62-3100 and 296-62-31420.

(xi) A review of an employer's requirements to implement a training program and its elements.

(xii) A review of the criteria and programs for proper selection and use of personal protective equipment, including respirators.

(xiii) A review of the applicable appendices to this Part P (Appendices A through E).

(xiv) Principles of toxicology and biological monitoring as they pertain to occupational health.

(xv) Rights and responsibilities of employees and employers under applicable WISHA/OSHA and DOE/EPA regulations and laws.

(xvi) Hands-on exercises and demonstrations of competency with equipment to illustrate the basic equipment principles that may be used during the performance of work duties, including the donning and doffing of PPE.

(xvii) Sources of reference, efficient use of relevant manuals, and knowledge of hazard coding systems to include information contained in hazardous waste manifests.

(xviii) At least eight hours of hands-on training.

(xix) Training in the job skills required for an employee's job function and responsibility before they are permitted to participate in or supervise field activities.

(b) The individual employer should provide hazardous waste employees with information and training prior to an employee's initial assignment into a work area. The training and information should cover the following topics:

(i) The emergency response plan and procedures including first aid.

(ii) A review of the employer's hazardous waste handling procedures including the materials handling program and elements of the spill containment program, location of spill

response kits or equipment, and the names of those trained to respond to releases.

(iii) The hazardous communication program meeting the requirements of (~~chapter 296-62-WAC, Part C~~) WAC 296-800-170.

(iv) A review of the employer's medical surveillance program including the recognition of signs and symptoms of exposure to relevant hazardous substance including known synergistic interactions.

(v) A review of the employer's decontamination program and procedures.

(vi) A review of the employer's training program and the parties responsible for that program.

(vii) A review of the employer's personal protective equipment program including the proper selection and use of PPE based upon specific site hazards.

(viii) All relevant site-specific procedures addressing potential safety and health hazards. This may include, as appropriate, biological and radiological exposures, fire and explosion hazards, thermal hazards, and physical hazards such as electrical hazards, powered equipment hazards, lockout/tagout hazards, motor vehicle hazards, and walking-working surface hazards.

(ix) Safe use of engineering controls and equipment on-site.

(x) Names of personnel and alternates responsible for safety and health.

AMENDATORY SECTION (Amending Order 90-10, filed 8/13/90, effective 9/24/90)

WAC 296-62-40003 Definitions applicable to all sections of this chapter. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Action level" means a concentration designated in WAC 296-62-075 for a specific substance, calculated as an 8-hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

(2) "Carcinogen" (see "select carcinogen").

(3) "Chemical hygiene officer" means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the chemical hygiene plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

(4) "Chemical hygiene plan" means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment, and work practices that are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and meets the requirements of WAC 296-62-40009.

(5) "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints

of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(6) "Compressed gas" means:

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(7) "Designated area" means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

(8) "Director" means the director of the department of labor and industries or his/her designee.

(9) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

(10) "Employee" means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his or her assignments.

(11) "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(12) "Flammable" means a chemical that falls into one of the following categories:

(a) "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 C.F.R. 1500.45, yields a flame protection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) "Gas, flammable" means:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume, regardless of the lower limit.

(c) "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(d) "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417, that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 C.F.R. 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(13) "Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue Closed Tester (see American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79))-for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100 deg.F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79))-for liquids with a viscosity equal to or greater than 45 SUS at 100 deg.F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(14) "Hazardous chemical" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Note: Appendices A and B of the Hazard Communication Standard (WAC ((296-62-054)) 296-800-170) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

(15) "Laboratory" means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a nonproduction basis.

(16) "Laboratory scale" means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

(17) "Laboratory-type hood" means a device located in a laboratory, enclosure on five sides with a moveable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Note: Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

(18) "Laboratory use of hazardous chemicals" means handling or use of such chemicals in which all of the following conditions are met:

(a) Chemical manipulations are carried out on a "laboratory scale";

(b) Multiple chemical procedures or chemicals are used;

(c) The procedures involved are not part of a production process, nor in any way simulate a production process; and

(d) "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

(19) "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

(20) "Organic peroxide" means an organic compound that contains the bivalent -O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(21) "Oxidizer" means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417, that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(22) "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(23) "Protective laboratory practices and equipment" means those laboratory procedures, practices, and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

(24) "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

(25) "Select carcinogen" means any substance which meets one of the following criteria:

(a) It is regulated by WISHA as a carcinogen; or

(b) It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or

(c) It is listed under Group I ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or

(d) It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(i) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m³; or

(ii) After repeated skin application of less than 300 mg/kg of body weight per week; or

(iii) After oral dosages of less than 50 mg/kg of body weight per day.

(26) "Unstable (reactive)" means a chemical which is the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shock, pressure, or temperature.

(27) "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-62-40015 Hazard identification. (1) With respect to labels and material safety data sheets:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced.

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees.

(2) The following provisions shall apply to chemical substances developed in the laboratory:

(a) If the composition of the chemical substance which is produced exclusively for the laboratory's use is known, the employer shall determine if it is a hazardous chemical as defined in the definition section, Part Q of this standard. If the chemical is determined to be hazardous, the employer shall provide appropriate training as required under WAC 296-62-40011.

(b) If the chemical produced is a byproduct whose composition is not known, the employer shall assume that the substance is hazardous and shall implement WAC 296-62-40009.

(c) If the chemical substance is produced for another user outside of the laboratory, the employer shall comply with the chemical hazard communication standard (WAC ((296-62-054)) 296-800-170) including the requirements for preparation of material safety data sheets and labeling.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-41031 Personal protective equipment selection. (1) Personal protective equipment (PPE) must be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(2) Personal protective equipment selection must be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(3) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply must be used when chemical exposure levels present will create a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(4) Totally encapsulating chemical protective suits (protection equivalent to Level A protection as recommended in Appendix B) must be used in conditions where skin absorp-

tion of a hazardous substance may result in a substantial possibility of immediate death, immediate serious illness or injury, or impair the ability to escape.

(5) The level of protection provided by PPE selection must be increased when additional information or site conditions indicate that increased protection is necessary to reduce employee exposures below permissible exposure limits and published exposure levels for hazardous substances and health hazards. (See WAC 296-62-41082 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(6) Personal protective equipment must be selected and used to meet the requirements of ((chapter 296-24 WAC, Part A-2)) WAC 296-800-160, and additional requirements specified in this part.

AMENDATORY SECTION (Amending WSR 99-07-097, filed 3/23/99, effective 6/23/99)

WAC 296-62-41086 Appendix E—Training curriculum guidelines. The following nonmandatory general criteria may be used for assistance in developing training curriculum used to meet the training requirements of Part R.

These are generic guidelines and they are not presented as a complete training curriculum for any specific employer. Site-specific training programs must be developed on the basis of a needs assessment of the emergency response operation in accordance with this chapter (chapter 296-62 WAC, Part R).

The guidance set forth here presents a highly effective program that in the areas covered would meet or exceed the regulatory requirements. In addition, other approaches could meet the regulatory requirements.

Suggested general criteria:

Definitions:

Suggested core criteria:

"Competent" means possessing the skills, knowledge, experience, and judgment to perform assigned tasks or activities satisfactorily as determined by the employer.

"Demonstration" means the showing by actual use of equipment or procedures.

"Hands-on training" means training in a simulated work environment that permits each student to have experience performing tasks, making decisions, or using equipment appropriate to the job assignment for which the training is being conducted.

"Initial training" means training required before beginning work.

"Lecture" means an interactive discourse with a class lead by an instructor.

"Proficient" means meeting a stated level of achievement.

"Site-specific" means individual training directed to the operations of a specific job site.

"Training hours" means the number of hours devoted to lecture, learning activities, small group work sessions, demonstration, evaluations, or hands-on experience.

(1) Training facility. The training facility should have available sufficient resources, equipment, and site locations to perform concise and hands-on training when appropriate. Training facilities should have sufficient organization, support staff, and services to conduct training in each of the courses offered.

(2) Training director. Each training program should be under the direction of a training director who is responsible for the program. The training director should have a minimum of two years of employee education experience.

(3) Instructors. Instructors should be deemed competent on the basis of previous documented experience in their area of instruction, successful completion of a "train-the-trainer" program specific to the topics they will teach, and an evaluation of instructional competence by the training director.

(a) Instructors should be required to maintain professional competency by participating in continuing education or professional development programs or by successfully completing an annual refresher course and having an annual review by the training director.

(b) The annual review by the training director should include observation of an instructor's delivery, a review of those observations with the trainer, and an analysis of any instructor or class evaluations completed by the students during the previous year.

(4) Course materials. The training director should approve all course materials to be used by the training provider. Course materials should be reviewed and updated at least annually. Materials and equipment should be in good working order and maintained properly.

(a) All written and audio-visual materials in training curricula should be peer reviewed by technically competent outside reviewers or by a standing advisory committee.

(b) Reviewers should possess expertise in the following disciplines were applicable: Occupational health, industrial hygiene and safety, chemical/environmental engineering, employee education, or emergency response. One or more of the peer reviewers should be an employee experienced in the work activities to which the training is directed.

(5) Students. The program for accepting students should include:

(a) Assurance that the student is or will be involved in work where chemical exposures are likely and that the student possesses the skills necessary to perform the work.

(b) A policy on the necessary medical clearance.

(6) Ratios. Student-instructor ratios should not exceed thirty students per instructor. Hands-on activity requiring the use of personal protective equipment should have the following student-instructor ratios: For Level C or Level D personal protective equipment the ratio should be ten students per instructor. For Level A or Level B personal protective equipment the ratio should be five students per instructor.

(7) Proficiency assessment. Proficiency should be evaluated and documented by the use of a written assessment and a skill demonstration selected and developed by the training director and training staff. The assessment and demonstration should evaluate the knowledge and individual skills

developed in the course of training. The level of minimum achievement necessary for proficiency shall be specified in writing by the training director.

(a) If a written test is used, there should be a minimum of fifty questions. If a written test is used in combination with a skills demonstration, a minimum of twenty-five questions should be used. If a skills demonstration is used, the tasks chosen and the means to rate successful completion should be fully documented by the training director.

(b) The content of the written test or of the skill demonstration shall be relevant to the objectives of the course.

The written test and skill demonstration should be updated as necessary to reflect changes in the curriculum and any update should be approved by the training director.

(c) The proficiency assessment methods, regardless of the approach or combination of approaches used, should be justified, documented and approved by the training director.

(d) The proficiency of those taking the additional courses for supervisors should be evaluated and documented by using proficiency assessment methods acceptable to the training director. These proficiency assessment methods must reflect the additional responsibilities borne by supervisory personnel in hazardous waste operations or emergency response.

(8) Course certificate. Written documentation should be provided to each student who satisfactorily completes the training course. The documentation should include:

(a) Student's name.

(b) Course title.

(c) Course date.

(d) Statement that the student has successfully completed the course.

(e) Name and address of the training provider.

(f) An individual identification number for the certificate.

(g) List of the levels of personal protective equipment used by the student to complete the course.

(i) This documentation may include a certificate and an appropriate wallet-sized laminated card with a photograph of the student and the above information.

(ii) When such course certificate cards are used, the individual identification number for the training certificate should be shown on the card.

(9) Recordkeeping. Training providers should maintain records listing the dates courses were presented, the names of the individual course attendees, the names of those students successfully completing each course, and the number of training certificates issued to each successful student. These records should be maintained for a minimum of five years after the date an individual participated in a training program offered by the training provider. These records should be available and provided upon the student's request or as mandated by law.

(10) Program quality control. The training director should conduct or direct an annual written audit of the training program. Program modifications to address deficiencies, if any, should be documented, approved, and implemented by the training provider. The audit and the program modification documents should be maintained at the training facility.

Suggested Program Quality Control Criteria:

Factors listed here are suggested criteria for determining the quality and appropriateness of employee health and safety training for hazardous waste operations and emergency response.

(a) Training plan. Adequacy and appropriateness of the training program's curriculum development, instructor training, distribution of course materials, and direct student training should be considered, including:

(i) The duration of training, course content, and course schedules/agendas;

(ii) The different training requirements of the various target populations, as specified in the appropriate generic training curriculum;

(iii) The process for the development of curriculum, which includes appropriate technical input, outside review, evaluation, program pretesting.

(iv) The adequate and appropriate inclusion of hands-on, demonstration, and instruction methods;

(v) Adequate monitoring of student safety, progress, and performance during the training.

(b) Program management, training director, staff, and consultants. Adequacy and appropriateness of staff performance and delivering an effective training program should be considered, including:

(i) Demonstration of the training director's leadership in assuring quality of health and safety training;

(ii) Demonstration of the competency of the staff to meet the demands of delivering high quality hazardous waste employee health and safety training;

(iii) Organization charts establishing clear lines of authority;

(iv) Clearly defined staff duties including the relationship of the training staff to the overall program;

(v) Evidence that the training organizational structure suits the needs of the training program;

(vi) Appropriateness and adequacy of the training methods used by the instructors;

(vii) Sufficiency of the time committed by the training director and staff to the training program;

(viii) Adequacy of the ratio of training staff to students;

(ix) Availability and commitment of the training program of adequate human and equipment resources in the areas of:

(A) Health effects;

(B) Safety;

(C) Personal protective equipment (PPE);

(D) Operational procedures;

(E) Employee protection practices/procedures;

(x) Appropriateness of management controls;

(xi) Adequacy of the organization and appropriate resources assigned to assure appropriate training;

(xii) In the case of multiple-site training programs, adequacy of management of the satellite centers.

(c) Training facilities and resources. Adequacy and appropriateness of the facilities and resources for supporting the training program should be considered, including:

(i) Space and equipment to conduct the training;

(ii) Facilities for representative hands-on training;

(iii) In the case of multiple-site programs, equipment and facilities at the satellite centers;

(iv) Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance;

(v) Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action;

(vi) Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program;

(vii) Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.

(d) Quality control and evaluation. Adequacy and appropriateness of quality control and evaluation plans for training programs should be considered, including:

(i) A balanced advisory committee and/or competent outside reviewers to give overall policy guidance;

(ii) Clear and adequate definition of the composition and active programmatic role of the advisory committee or outside reviewers;

(iii) Adequacy of the minutes or reports of the advisory committee or outside reviewers' meetings or written communication;

(iv) Adequacy and appropriateness of the quality control and evaluations program to account for instructor performance;

(v) Adequacy and appropriateness of the quality control and evaluation program to ensure appropriate course evaluation, feedback, updating, and corrective action;

(vi) Adequacy and appropriateness of disciplines and expertise being used within the quality control and evaluation program;

(vii) Adequacy and appropriateness of the role of student evaluations to provide feedback for training program improvement.

(e) Students. Adequacy and appropriateness of the program for accepting students should be considered, including:

(i) Assurance that the student already possess the necessary skills for their job, including necessary documentation;

(ii) Appropriateness of methods the program uses to ensure that recruits are capable of satisfactorily completing training;

(iii) Review and compliance with any medical clearance policy.

(f) Institutional environment and administrative support. The adequacy and appropriateness of the institutional environment and administrative support system for the training program should be considered, including:

(i) Adequacy of the institutional commitment to the employee training program;

(ii) Adequacy and appropriateness of the administrative structure and administrative support.

(g) Summary of evaluation questions. Key questions for evaluating the quality and appropriateness of an overall training program should include the following:

(i) Are the program objectives clearly stated?

(ii) Is the program accomplishing its objectives?

(iii) Are appropriate facilities and staff available?

(iv) Is there an appropriate mix of classroom, demonstration, and hands-on training?

(v) Is the program providing quality employee health and safety training that fully meets the intent of regulatory requirements?

(vi) What are the program's main strengths?

(vii) What are the program's main weaknesses?

(viii) What is recommended to improve the program?

(ix) Are instructors instructing according to their training outlines?

(x) Is the evaluation tool current and appropriate for the program content?

(xi) Is the course material current and relevant to the target group?

Suggested Training Curriculum Guidelines:

The following training curriculum guidelines are for those operations specifically identified in this Part R as requiring training. Issues such as qualifications of instructors, training certification, and similar criteria appropriate to all categories of operations addressed in this Part R have been covered in the preceding section and are not addressed in each of the generic guidelines.

(h) Emergency response training.

(i) General considerations. Emergency response organizations are required to consider the topics listed in WAC 296-62-41020. Emergency response organizations may use some or all of the following topics to supplement those mandatory topics when developing their response training programs. Many of the topics would require an interaction between the response provider and the individuals responsible for the site where the response would be expected.

(A) Hazard recognition, including:

(I) Nature of hazardous substances present;

(II) Practical applications of hazard recognition, including presentations on biology, chemistry, and physics.

(B) Principles of toxicology, biological monitoring, and risk assessment.

(C) Safe work practices and general site safety.

(D) Engineering controls and hazardous waste operations.

(E) Site safety plans and standard operating procedures.

(F) Decontamination procedures and practices.

(G) Emergency procedures, first aid, and self-rescue.

(H) Safe use of field equipment.

(I) Storage, handling, use and transportation of hazardous substances.

(J) Use, care, and limitations of personal protective equipment.

(K) Safe sampling techniques.

(L) Rights and responsibilities of employees under WISHA and other related regulations and laws concerning right-to-know, safety and health, compensations and liability.

(M) Medical monitoring requirements.

(N) Community relations.

(ii) Suggested criteria for specific courses.

(A) First responder awareness level.

(I) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-41010.

(II) Hands-on experience with the U.S. Department of Transportation's Emergency Response Guidebook (ERG) and familiarization with ((chapter 296-62 WAC, Part C))

WAC 296-800-170, the chemical hazard communication standard.

(III) Review of the principles and practices for analyzing an incident to determine both the hazardous substances present and the basic hazard and response information for each hazardous substance present.

(IV) Review of procedures for implementing actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including emergency notification procedures and follow-up communications.

(V) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(VI) Awareness and knowledge of the competencies for the First Responder at the Awareness Level covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(B) First responder operations level.

(I) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-41010.

(II) Hands-on experience with the U.S. Department of Transportation's Emergency Response Guidebook (ERG), manufacturer material safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, and other relevant sources of information addressing hazardous substance releases. Familiarization with (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, the chemical hazard communication standard.

(III) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, the likely behavior of the hazardous substance and its container, the types of hazardous substance transportation containers and vehicles, the types and selection of the appropriate defensive strategy for containing the release.

(IV) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including extended emergency notification procedures and follow-up communications.

(V) Review of the principles and practice for proper selection and use of personal protective equipment.

(VI) Review of the principles and practice of personnel and equipment decontamination.

(VII) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(VIII) Awareness and knowledge of the competencies for the First Responder at the Operations Level covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(C) Hazardous materials technician.

(I) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-41010.

(II) Hands-on experience with written and electronic information relative to response decision making including, but not limited to, the U.S. Department of Transportation's Emergency Response Guidebook (ERG), manufacturer material safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, computer data bases and response models, and other relevant sources of information addressing hazardous substance releases. Familiarization with (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, the chemical hazard communication standard.

(III) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, their physical and chemical properties, the likely behavior of the hazardous substance and its container, the types of hazardous substance transportation containers and vehicles involved in the release, the appropriate strategy for approaching release sites and containing the release.

(IV) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, and the current edition of DOT's ERG including extended emergency notification procedures and follow-up communications.

(V) Review of the principles and practice for proper selection and use of personal protective equipment.

(VI) Review of the principles and practices of establishing exposure zones, proper decontamination and medical surveillance stations and procedures.

(VII) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(VIII) Awareness and knowledge of the competencies for the Hazardous Materials Technician covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(D) Hazardous materials specialist.

(I) Review of and demonstration of competency in performing the applicable skills of WAC 296-62-41010.

(II) Hands-on experience with retrieval and use of written and electronic information relative to response decision making including, but not limited to, the U.S. Department of Transportation's Emergency Response Guidebook (ERG), manufacturer material safety data sheets, CHEMTREC/CANUTEC, shipper or manufacturer contacts, computer data bases and response models, and other relevant sources of information addressing hazardous substance releases. Familiarization with (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, the chemical hazard communication standard.

(III) Review of the principles and practices for analyzing an incident to determine the hazardous substances present, their physical and chemical properties, and the likely behavior of the hazardous substance and its container, vessel, or vehicle.

(IV) Review of the principles and practices for identification of the types of hazardous substance transportation containers, vessels and vehicles involved in the release; selecting and using the various types of equipment available for plugging or patching transportation containers, vessels or vehi-

cles; organizing and directing the use of multiple teams of hazardous material technicians and selecting the appropriate strategy for approaching release sites and containing or stopping the release.

(V) Review of procedures for implementing continuing response actions consistent with the local emergency response plan, the organization's standard operating procedures, including knowledge of the available public and private response resources, establishment of an incident command post, direction of hazardous material technician teams, and extended emergency notification procedures and follow-up communications.

(VI) Review of the principles and practice for proper selection and use of personal protective equipment.

(VII) Review of the principles and practices of establishing exposure zones and proper decontamination, monitoring and medical surveillance stations and procedures.

(VIII) Review of the expected hazards including fire and explosions hazards, confined space hazards, electrical hazards, powered equipment hazards, motor vehicle hazards, and walking-working surface hazards.

(IX) Awareness and knowledge of the competencies for the Off-site Specialist Employee covered in the National Fire Protection Association's Standard No. 472, Professional Competence of Responders to Hazardous Materials Incidents.

(E) Incident commander.

The incident commander is the individual who, at any one time, is responsible for and in control of the response effort. This individual is the person responsible for the direction and coordination of the response effort. An incident commander's position should be occupied by the most senior, appropriately trained individual present at the response site. Yet, as necessary and appropriate by the level of response provided, the position may be occupied by many individuals during a particular response as the need for greater authority, responsibility, or training increases. It is possible for the first responder at the awareness level to assume the duties of incident commander until a more senior and appropriately trained individual arrives at the response site.

Therefore, any emergency responder expected to perform as an incident commander should be trained to fulfill the obligations of the position at the level of response they will be providing including the following:

(I) Ability to analyze a hazardous substance incident to determine the magnitude of the response problem.

(II) Ability to plan and implement an appropriate response plan within the capabilities of available personnel and equipment.

(III) Ability to implement a response to favorably change the outcome of the incident in a manner consistent with the local emergency response plan and the organization's standard operating procedures.

(IV) Ability to evaluate the progress of the emergency response to ensure that the response objectives are being met safely, effectively, and efficiently.

(V) Ability to adjust the response plan to the conditions of the response and to notify higher levels of response when required by the changes to the response plan.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-62-09003	Lighting and illumination.
WAC 296-62-12000	Environmental tobacco smoke in office work environments—Scope and application.
WAC 296-62-12003	Definitions.
WAC 296-62-12005	Controls for environmental tobacco smoke.
WAC 296-62-12009	Appendix—Smoking cessation program information—Nonmandatory.

AMENDATORY SECTION (Amending WSR 98-02-029, filed 12/31/97, effective 1/31/98)

WAC 296-63-009 Exemption requests. (1) Employers who do not have hazardous chemicals at their workplace may submit a written request for exemption to the department. Submission of an exemption request does not relieve an employer of his/her obligation to pay the fee assessment until such time as the request is approved. Employers granted exemptions will be removed from the listing of employers to be assessed a fee beginning with the current billing period.

(2) Exemptions shall only be considered for an employer's entire workplace consisting of all activities reported to the department under the same employer identification number.

(3) Each request for exemption must contain the following information:

(a) Firm name and employer identification number;

(b) Complete mailing address;

(c) Complete location (such as street) address;

(d) A certified statement in the form required by RCW 9A.72.085 that a hazardous chemical survey of the employer's premises has been completed by a qualified person, the identity and qualifications of the person completing the survey, and that no hazardous chemicals as defined by WAC ((296-62-054 through 296-62-05427)) 296-800-170 are present at the workplace.

(4) The department may schedule an on-site inspection to determine the validity of the exemption request.

(5) The employer shall provide to the department within five working days of receiving a request from the department, any additional information identified by the department as necessary for evaluating the exemption request.

(6) Exemption requests shall be mailed to:

Right to Know Program
Department of Labor and Industries
P.O. Box 44620
Olympia, Washington 98504-4620

PERMANENT

AMENDATORY SECTION (Amending Order 93-06, filed 10/20/93, effective 12/1/93)

WAC 296-67-005 Definitions. "Atmospheric tank" means a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g. (pounds per square inch gauge, 3.45 Kpa).

"Boiling point" means the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). For the purposes of this part, where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D-86-62, may be used as the boiling point of the liquid.

"Catastrophic release" means a major uncontrolled emission, fire, or explosion, involving one or more highly hazardous chemicals, that presents serious danger to employees in the workplace.

"Facility" means the buildings, containers, or equipment which contain a process.

"Highly hazardous chemical" means a substance possessing toxic, reactive, flammable, or explosive properties and specified by WAC 296-67-001 (2)(a).

"Hot work" means work involving electric or gas welding, cutting, brazing, or similar flame or spark-producing operations.

"Normally unoccupied remote facility" means a facility which is operated, maintained, or serviced by employees who visit the facility only periodically to check its operation and to perform necessary operating or maintenance tasks. No employees are permanently stationed at the facility. Facilities meeting this definition are not contiguous with, and must be geographically remote from all other buildings, processes, or persons.

"Process" means any activity involving a highly hazardous chemical including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities. For purposes of this definition, any group of vessels which are interconnected and separate vessels which are located such that a highly hazardous chemical could be involved in a potential release shall be considered a single process.

"Replacement in kind" means a replacement which satisfies the design specification.

"Trade secret" means any confidential formula, pattern, process, device, information, or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. Chapter 296-62 WAC, Part ((€)) B-1, sets out the criteria to be used in evaluating trade secrets.

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

WAC 296-67-053 Emergency planning and response. The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of WAC 296-24-567. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the hazardous waste and emergency response provisions contained in ((chapter 296-62 WAC, Part P)) WAC 296-800-170.

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

WAC 296-67-061 Trade secrets. (1) Employers shall make all information necessary to comply with the section available to those persons responsible for compiling the process safety information (required by WAC 296-67-013), those assisting in the development of the process hazard analysis (required by WAC 296-67-017), those responsible for developing the operating procedures (required by WAC 296-67-021), and those involved in incident investigations (required by WAC 296-67-049), emergency planning and response (WAC 296-67-053) and compliance audits (WAC 296-67-057) without regard to possible trade secret status of such information.

(2) Nothing in this section shall preclude the employer from requiring the persons to whom the information is made available under WAC 296-67-061 to enter into confidentiality agreements not to disclose the information as set forth in WAC ((296-62-054)) 296-62-053.

(3) Subject to the rules and procedures set forth in WAC ((296-62-05417 (1) through (14))) 296-62-053, employees and their designated representatives shall have access to trade secret information contained within the process hazard analysis and other documents required to be developed by this standard.

AMENDATORY SECTION (Amending Order 93-06, filed 10/20/93, effective 12/1/93)

WAC 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory). This appendix serves as a nonmandatory guideline to assist employers and employees in complying with the requirements of this section, as well as provides other helpful recommendations and information. Examples presented in this appendix are not the only means of achieving the performance goals in the standard. This appendix neither adds nor detracts from the requirements of the standard.

(1) Introduction to process safety management. The major objective of process safety management of highly hazardous chemicals is to prevent unwanted releases of hazardous chemicals especially into locations which could expose employees and others to serious hazards. An effective process safety management program requires a systematic approach to evaluating the whole process. Using this approach the process design, process technology, operational and maintenance activities and procedures, nonroutine activities and procedures, emergency preparedness plans and procedures, training programs, and other elements which impact the process are all considered in the evaluation. The various lines of defense that have been incorporated into the design

and operation of the process to prevent or mitigate the release of hazardous chemicals need to be evaluated and strengthened to assure their effectiveness at each level. Process safety management is the proactive identification, evaluation and mitigation or prevention of chemical releases that could occur as a result of failures in process, procedures, or equipment. The process safety management standard targets highly hazardous chemicals that have the potential to cause a catastrophic incident. This standard as a whole is to aid employers in their efforts to prevent or mitigate episodic chemical releases that could lead to a catastrophe in the workplace and possibly to the surrounding community. To control these types of hazards, employers need to develop the necessary expertise, experiences, judgment, and proactive initiative within their workforce to properly implement and maintain an effective process safety management program as envisioned in the WISHA standard. This WISHA standard is required by the Clean Air Act amendments as is the Environmental Protection Agency's Risk Management Plan. Employers, who merge the two sets of requirements into their process safety management program, will better assure full compliance with each as well as enhancing their relationship with the local community. While WISHA believes process safety management will have a positive effect on the safety of employees in workplaces and also offers other potential benefits to employers (increased productivity), smaller businesses which may have limited resources available to them at this time, might consider alternative avenues of decreasing the risks associated with highly hazardous chemicals at their workplaces. One method which might be considered is the reduction in the inventory of the highly hazardous chemical. This reduction in inventory will result in a reduction of the risk or potential for a catastrophic incident. Also, employers including small employers may be able to establish more efficient inventory control by reducing the quantities of highly hazardous chemicals on site below the established threshold quantities. This reduction can be accomplished by ordering smaller shipments and maintaining the minimum inventory necessary for efficient and safe operation. When reduced inventory is not feasible, then the employer might consider dispersing inventory to several locations on site. Dispersing storage into locations where a release in one location will not cause a release in another location is a practical method to also reduce the risk or potential for catastrophic incidents.

(2) Employee involvement in process safety management. Section 304 of the Clean Air Act amendments states that employers are to consult with their employees and their representatives regarding the employers efforts in the development and implementation of the process safety management program elements and hazard assessments. Section 304 also requires employers to train and educate their employees and to inform affected employees of the findings from incident investigations required by the process safety management program. Many employers, under their safety and health programs, have already established means and methods to keep employees and their representatives informed about relevant safety and health issues and employers may be able to adapt these practices and procedures to meet their obligations under this standard. Employers who have not implemented an occupational safety and health program may

wish to form a safety and health committee of employees and management representatives to help the employer meet the obligations specified by this standard. These committees can become a significant ally in helping the employer to implement and maintain an effective process safety management program for all employees.

(3) Process safety information. Complete and accurate written information concerning process chemicals, process technology, and process equipment is essential to an effective process safety management program and to a process hazards analysis. The compiled information will be a necessary resource to a variety of users including the team that will perform the process hazards analysis as required under WAC 296-67-017; those developing the training programs and the operating procedures; contractors whose employees will be working with the process; those conducting the prestart-up reviews; local emergency preparedness planners; and incurrence and enforcement officials. The information to be compiled about the chemicals, including process intermediates, needs to be comprehensive enough for an accurate assessment of the fire and explosion characteristics, reactivity hazards, the safety and health hazards to workers, and the corrosion and erosion effects on the process equipment and monitoring tools. Current material safety data sheet (MSDS) information can be used to help meet this requirement which must be supplemented with process chemistry information including runaway reaction and over pressure hazards if applicable. Process technology information will be a part of the process safety information package and it is expected that it will include diagrams of the type shown in WAC 296-67-289, Appendix B of this part as well as employer established criteria for maximum inventory levels for process chemicals; limits beyond which would be considered upset conditions; and a qualitative estimate of the consequences or results of deviation that could occur if operating beyond the established process limits. Employers are encouraged to use diagrams which will help users understand the process. A block flow diagram is used to show the major process equipment and interconnecting process flow lines and show flow rates, stream composition, temperatures, and pressures when necessary for clarity. The block flow diagram is a simplified diagram. Process flow diagrams are more complex and will show all main flow streams including valves to enhance the understanding of the process, as well as pressures and temperatures on all feed and product lines within all major vessels, in and out of headers and heat exchangers, and points of pressure and temperature control. Also, materials of construction information, pump capacities and pressure heads, compressor horsepower and vessel design pressures and temperatures are shown when necessary for clarity. In addition, major components of control loops are usually shown along with key utilities on process flow diagrams. Piping and instrument diagrams (P&IDs) may be the more appropriate type of diagrams to show some of the above details and to display the information for the piping designer and engineering staff. The P&IDs are to be used to describe the relationships between equipment and instrumentation as well as other relevant information that will enhance clarity. Computer software programs which do P&IDs or other diagrams useful to the information package, may be used to help meet

this requirement. The information pertaining to process equipment design must be documented. In other words, what were the codes and standards relied on to establish good engineering practice. These codes and standards are published by such organizations as the American Society of Mechanical Engineers, American Petroleum Institute, American National Standards Institute, National Fire Protection Association, American Society for Testing and Materials, National Board of Boiler and Pressure Vessel Inspectors, National Association of Corrosion Engineers, American Society of Exchange Manufacturers Association, and model building code groups. In addition, various engineering societies issue technical reports which impact process design. For example, the American Institute of Chemical Engineers has published technical reports on topics such as two phase flow for venting devices. This type of technically recognized report would constitute good engineering practice. For existing equipment designed and constructed many years ago in accordance with the codes and standards available at that time and no longer in general use today, the employer must document which codes and standards were used and that the design and construction along with the testing, inspection and operation are still suitable for the intended use. Where the process technology requires a design which departs from the applicable codes and standards, the employer must document that the design and construction is suitable for the intended purpose.

(4) Process hazard analysis. A process hazard analysis (PHA), sometimes called a process hazard evaluation, is one of the most important elements of the process safety management program. A PHA is an organized and systematic effort to identify and analyze the significance of potential hazards associated with the processing or handling of highly hazardous chemicals. A PHA provides information which will assist employers and employees in making decisions for improving safety and reducing the consequences of unwanted or unplanned releases of hazardous chemicals. A PHA is directed toward analyzing potential causes and consequences of fires, explosions, releases of toxic or flammable chemicals and major spills of hazardous chemicals. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and nonroutine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The selection of a PHA methodology or technique will be influenced by many factors including the amount of existing knowledge about the process. Is it a process that has been operated for a long period of time with little or no innovation and extensive experience has been generated with its use? Or, is it a new process or one which has been changed frequently by the inclusion of innovative features? Also, the size and complexity of the process will influence the decision as to the appropriate PHA methodology to use. All PHA methodologies are subject to certain limitations. For example, the checklist methodology works well when the process is very stable and no changes are made, but it is not as effective when the process has undergone extensive change. The checklist may miss the most recent changes and consequently the changes would not be evaluated. Another limitation to be considered concerns the assumptions made by the team or analyst. The PHA is dependent on good judgment and the

assumptions made during the study need to be documented and understood by the team and reviewer and kept for a future PHA. The team conducting the PHA need to understand the methodology that is going to be used. A PHA team can vary in size from two people to a number of people with varied operational and technical backgrounds. Some team members may only be a part of the team for a limited time. The team leader needs to be fully knowledgeable in the proper implementation of the PHA methodology that is to be used and should be impartial in the evaluation. The other full or part time team members need to provide the team with expertise in areas such as process technology, process design, operating procedures and practices, including how the work is actually performed, alarms, emergency procedures, instrumentation, maintenance procedures, both routine and non-routine tasks, including how the tasks are authorized, procurement of parts and supplies, safety and health, and any other relevant subject as the need dictates. At least one team member must be familiar with the process. The ideal team will have an intimate knowledge of the standards, codes, specifications and regulations applicable to the process being studied. The selected team members need to be compatible and the team leader needs to be able to manage the team, and the PHA study. The team needs to be able to work together while benefiting from the expertise of others on the team or outside the team, to resolve issues, and to forge a consensus on the findings of the study and recommendations. The application of a PHA to a process may involve the use of different methodologies for various parts of the process. For example, a process involving a series of unit operations of varying sizes, complexities, and ages may use different methodologies and team members for each operation. Then the conclusions can be integrated into one final study and evaluation. A more specific example is the use of a checklist PHA for a standard boiler or heat exchanger and the use of a hazard and operability PHA for the overall process. Also, for batch type processes like custom batch operations, a generic PHA of a representative batch may be used where there are only small changes of monomer or other ingredient ratios and the chemistry is documented for the full range and ratio of batch ingredients. Another process that might consider using a generic type of PHA is a gas plant. Often these plants are simply moved from site to site and therefore, a generic PHA may be used for these movable plants. Also, when an employer has several similar size gas plants and no sour gas is being processed at the site, then a generic PHA is feasible as long as the variations of the individual sites are accounted for in the PHA. Finally, when an employer has a large continuous process which has several control rooms for different portions of the process such as for a distillation tower and a blending operation, the employer may wish to do each segment separately and then integrate the final results. Additionally, small businesses which are covered by this rule, will often have processes that have less storage volume, less capacity, and less complicated than processes at a large facility. Therefore, WISHA would anticipate that the less complex methodologies would be used to meet the process hazard analysis criteria in the standard. These process hazard analyses can be done in less time and with a few people being involved. A less complex process generally means that less data, P&IDs,

and process information is needed to perform a process hazard analysis. Many small businesses have processes that are not unique, such as cold storage lockers or water treatment facilities. Where employer associations have a number of members with such facilities, a generic PHA, evolved from a checklist or what-if questions, could be developed and used by each employer effectively to reflect his/her particular process; this would simplify compliance for them. When the employer has a number of processes which require a PHA, the employer must set up a priority system of which PHAs to conduct first. A preliminary or gross hazard analysis may be useful in prioritizing the processes that the employer has determined are subject to coverage by the process safety management standard. Consideration should first be given to those processes with the potential of adversely affecting the largest number of employees. This prioritizing should consider the potential severity of a chemical release, the number of potentially affected employees, the operating history of the process such as the frequency of chemical releases, the age of the process and any other relevant factors. These factors would suggest a ranking order and would suggest either using a weighing factor system or a systematic ranking method. The use of a preliminary hazard analysis would assist an employer in determining which process should be of the highest priority and thereby the employer would obtain the greatest improvement in safety at the facility. Detailed guidance on the content and application of process hazard analysis methodologies is available from the American Institute of Chemical Engineers' Center for Chemical Process Safety (see WAC 296-67-293, Appendix D).

(5) Operating procedures and practices. Operating procedures describe tasks to be performed, data to be recorded, operating conditions to be maintained, samples to be collected, and safety and health precautions to be taken. The procedures need to be technically accurate, understandable to employees, and revised periodically to ensure that they reflect current operations. The process safety information package is to be used as a resource to better assure that the operating procedures and practices are consistent with the known hazards of the chemicals in the process and that the operating parameters are accurate. Operating procedures should be reviewed by engineering staff and operating personnel to ensure that they are accurate and provide practical instructions on how to actually carry out job duties safely. Operating procedures will include specific instructions or details on what steps are to be taken or followed in carrying out the stated procedures. These operating instructions for each procedure should include the applicable safety precautions and should contain appropriate information on safety implications. For example, the operating procedures addressing operating parameters will contain operating instructions about pressure limits, temperature ranges, flow rates, what to do when an upset condition occurs, what alarms and instruments are pertinent if an upset condition occurs, and other subjects. Another example of using operating instructions to properly implement operating procedures is in starting up or shutting down the process. In these cases, different parameters will be required from those of normal operation. These operating instructions need to clearly indicate the distinctions between startup and normal operations such as the appropri-

ate allowances for heating up a unit to reach the normal operating parameters. Also the operating instructions need to describe the proper method for increasing the temperature of the unit until the normal operating temperature parameters are achieved. Computerized process control systems add complexity to operating instructions. These operating instructions need to describe the logic of the software as well as the relationship between the equipment and the control system; otherwise, it may not be apparent to the operator. Operating procedures and instructions are important for training operating personnel. The operating procedures are often viewed as the standard operating practices (SOPs) for operations. Control room personnel and operating staff, in general, need to have a full understanding of operating procedures. If workers are not fluent in English then procedures and instructions need to be prepared in a second language understood by the workers. In addition, operating procedures need to be changed when there is a change in the process as a result of the management of change procedures. The consequences of operating procedure changes need to be fully evaluated and the information conveyed to the personnel. For example, mechanical changes to the process made by the maintenance department (like changing a valve from steel to brass or other subtle changes) need to be evaluated to determine if operating procedures and practices also need to be changed. All management of change actions must be coordinated and integrated with current operating procedures and operating personnel must be oriented to the changes in procedures before the change is made. When the process is shut down in order to make a change, then the operating procedures must be updated before startup of the process. Training in how to handle upset conditions must be accomplished as well as what operating personnel are to do in emergencies such as when a pump seal fails or a pipeline ruptures. Communication between operating personnel and workers performing work within the process area, such as nonroutine tasks, also must be maintained. The hazards of the tasks are to be conveyed to operating personnel in accordance with established procedures and to those performing the actual tasks. When the work is completed, operating personnel should be informed to provide closure on the job.

(6) Employee training. All employees, including maintenance and contractor employees, involved with highly hazardous chemicals need to fully understand the safety and health hazards of the chemicals and processes they work with for the protection of themselves, their fellow employees and the citizens of nearby communities. Training conducted in compliance with WAC ((296-62-054)) 296-800-170, ((the)) chemical hazard communication program standard, will help employees to be more knowledgeable about the chemicals they work with as well as familiarize them with reading and understanding MSDS. However, additional training in subjects such as operating procedures and safety work practices, emergency evacuation and response, safety procedures, routine and nonroutine work authorization activities, and other areas pertinent to process safety and health will need to be covered by an employer's training program. In establishing their training programs, employers must clearly define the employees to be trained and what subjects are to be covered in their training. Employers in setting up their training pro-

gram will need to clearly establish the goals and objectives they wish to achieve with the training that they provide to their employees. The learning goals or objectives should be written in clear measurable terms before the training begins. These goals and objectives need to be tailored to each of the specific training modules or segments. Employers should describe the important actions and conditions under which the employee will demonstrate competence or knowledge as well as what is acceptable performance. Hands-on-training where employees are able to use their senses beyond listening, will enhance learning. For example, operating personnel, who will work in a control room or at control panels, would benefit by being trained at a simulated control panel or panels. Upset conditions of various types could be displayed on the simulator, and then the employee could go through the proper operating procedures to bring the simulator panel back to the normal operating parameters. A training environment could be created to help the trainee feel the full reality of the situation but, of course, under controlled conditions. This realistic type of training can be very effective in teaching employees correct procedures while allowing them to also see the consequences of what might happen if they do not follow established operating procedures. Other training techniques using videos or on-the-job training can also be very effective for teaching other job tasks, duties, or other important information. An effective training program will allow the employee to fully participate in the training process and to practice their skill or knowledge. Employers need to periodically evaluate their training programs to see if the necessary skills, knowledge, and routines are being properly understood and implemented by their trained employees. The means or methods for evaluating the training should be developed along with the training program goals and objectives. Training program evaluation will help employers to determine the amount of training their employees understood, and whether the desired results were obtained. If, after the evaluation, it appears that the trained employees are not at the level of knowledge and skill that was expected, the employer will need to revise the training program, provide retraining, or provide more frequent refresher training sessions until the deficiency is resolved. Those who conducted the training and those who received the training should also be consulted as to how best to improve the training process. If there is a language barrier, the language known to the trainees should be used to reinforce the training messages and information. Careful consideration must be given to assure that employees including maintenance and contract employees receive current and updated training. For example, if changes are made to a process, impacted employees must be trained in the changes and understand the effects of the changes on their job tasks (e.g., any new operating procedures pertinent to their tasks). Additionally, as already discussed the evaluation of the employee's absorption of training will certainly influence the need for training.

(7) Contractors. Employers who use contractors to perform work in and around processes that involve highly hazardous chemicals, will need to establish a screening process so that they hire and use contractors who accomplish the desired job tasks without compromising the safety and health of employees at a facility. For contractors, whose safety per-

formance on the job is not known to the hiring employer, the employer will need to obtain information on injury and illness rates and experience and should obtain contractor references. Additionally, the employer must assure that the contractor has the appropriate job skills, knowledge and certifications (such as for pressure vessel welders). Contractor work methods and experiences should be evaluated. For example, does the contractor conducting demolition work swing loads over operating processes or does the contractor avoid such hazards? Maintaining a site injury and illness log for contractors is another method employers must use to track and maintain current knowledge of work activities involving contract employees working on or adjacent to covered processes. Injury and illness logs of both the employer's employees and contract employees allow an employer to have full knowledge of process injury and illness experience. This log will also contain information which will be of use to those auditing process safety management compliance and those involved in incident investigations. Contract employees must perform their work safely. Considering that contractors often perform very specialized and potentially hazardous tasks such as confined space entry activities and nonroutine repair activities it is quite important that their activities be controlled while they are working on or near a covered process. A permit system or work authorization system for these activities would also be helpful to all affected employers. The use of a work authorization system keeps an employer informed of contract employee activities, and as a benefit the employer will have better coordination and more management control over the work being performed in the process area. A well run and well maintained process where employee safety is fully recognized will benefit all of those who work in the facility whether they be contract employees or employees of the owner.

(8) Prestartup safety. For new processes, the employer will find a PHA helpful in improving the design and construction of the process from a reliability and quality point of view. The safe operation of the new process will be enhanced by making use of the PHA recommendations before final installations are completed. P&IDs are to be completed along with having the operating procedures in place and the operating staff trained to run the process before startup. The initial startup procedures and normal operating procedures need to be fully evaluated as part of the prestartup review to assure a safe transfer into the normal operating mode for meeting the process parameters. For existing processes that have been shutdown for turnaround, or modification, etc., the employer must assure that any changes other than "replacement in kind" made to the process during shutdown go through the management of change procedures. P&IDs will need to be updated as necessary, as well as operating procedures and instructions. If the changes made to the process during shutdown are significant and impact the training program, then operating personnel as well as employees engaged in routine and nonroutine work in the process area may need some refresher or additional training in light of the changes. Any incident investigation recommendations, compliance audits or PHA recommendations need to be reviewed as well to see what impacts they may have on the process before beginning the startup.

(9) Mechanical integrity. Employers will need to review their maintenance programs and schedules to see if there are areas where "breakdown" maintenance is used rather than an ongoing mechanical integrity program. Equipment used to process, store, or handle highly hazardous chemicals needs to be designed, constructed, installed, and maintained to minimize the risk of releases of such chemicals. This requires that a mechanical integrity program be in place to assure the continued integrity of process equipment. Elements of a mechanical integrity program include the identification and categorization of equipment and instrumentation, inspections and tests, testing and inspection frequencies, development of maintenance procedures, training of maintenance personnel, the establishment of criteria for acceptable test results, documentation of test and inspection results, and documentation of manufacturer recommendations as to meantime to failure for equipment and instrumentation. The first line of defense an employer has available is to operate and maintain the process as designed, and to keep the chemicals contained. This line of defense is backed up by the next line of defense which is the controlled release of chemicals through venting to scrubbers or flares, or to surge or overflow tanks which are designed to receive such chemicals, etc. These lines of defense are the primary lines of defense or means to prevent unwanted releases. The secondary lines of defense would include fixed fire protection systems like sprinklers, water spray, or deluge systems, monitor guns, etc., dikes, designed drainage systems, and other systems which would control or mitigate hazardous chemicals once an unwanted release occurs. These primary and secondary lines of defense are what the mechanical integrity program needs to protect and strengthen these primary and secondary lines of defenses where appropriate. The first step of an effective mechanical integrity program is to compile and categorize a list of process equipment and instrumentation for inclusion in the program. This list would include pressure vessels, storage tanks, process piping, relief and vent systems, fire protection system components, emergency shutdown systems, and alarms and interlocks and pumps. For the categorization of instrumentation and the listed equipment the employer would prioritize which pieces of equipment require closer scrutiny than others. Meantime to failure of various instrumentation and equipment parts would be known from the manufacturer's data or the employer's experience with the parts, which would then influence the inspection and testing frequency and associated procedures. Also, applicable codes and standards such as the National Board Inspection Code, or those from the American Society for Testing and Material, American Petroleum Institute, National Fire Protection Association, American National Standards Institute, American Society of Mechanical Engineers, and other groups, provide information to help establish an effective testing and inspection frequency, as well as appropriate methodologies. The applicable codes and standards provide criteria for external inspections for such items as foundation and supports, anchor bolts, concrete or steel supports, guy wires, nozzles and sprinklers, pipe hangers, grounding connections, protective coatings and insulation, and external metal surfaces of piping and vessels, etc. These codes and standards also provide information on methodologies for internal inspection, and a frequency for-

mula based on the corrosion rate of the materials of construction. Also, erosion both internal and external needs to be considered along with corrosion effects for piping and valves. Where the corrosion rate is not known, a maximum inspection frequency is recommended, and methods of developing the corrosion rate are available in the codes. Internal inspections need to cover items such as vessel shell, bottom and head; metallic linings; nonmetallic linings; thickness measurements for vessels and piping; inspection for erosion, corrosion, cracking and bulges; internal equipment like trays, baffles, sensors, and screens for erosion, corrosion or cracking and other deficiencies. Some of these inspections may be performed by state or local government inspectors under state and local statutes. However, each employer needs to develop procedures to ensure that tests and inspections are conducted properly and that consistency is maintained even where different employees may be involved. Appropriate training is to be provided to maintenance personnel to ensure that they understand the preventive maintenance program procedures, safe practices, and the proper use and application of special equipment or unique tools that may be required. This training is part of the overall training program called for in the standard. A quality assurance system is needed to help ensure that the proper materials of construction are used, that fabrication and inspection procedures are proper, and that installation procedures recognize field installation concerns. The quality assurance program is an essential part of the mechanical integrity program and will help to maintain the primary and secondary lines of defense that have been designed into the process to prevent unwanted chemical releases or those which control or mitigate a release. "As built" drawings, together with certifications of coded vessels and other equipment, and materials of construction need to be verified and retained in the quality assurance documentation. Equipment installation jobs need to be properly inspected in the field for use of proper materials and procedures and to assure that qualified craftsmen are used to do the job. The use of appropriate gaskets, packing, bolts, valves, lubricants, and welding rods need to be verified in the field. Also procedures for installation of safety devices need to be verified, such as the torque on the bolts on ruptured disc installations, uniform torque on flange bolts, proper installation of pump seals, etc. If the quality of parts is a problem, it may be appropriate to conduct audits of the equipment supplier's facilities to better assure proper purchases of required equipment which is suitable for its intended service. Any changes in equipment that may become necessary will need to go through the management of change procedures.

(10) Nonroutine work authorizations. Nonroutine work which is conducted in process areas needs to be controlled by the employer in a consistent manner. The hazards identified involving the work that is to be accomplished must be communicated to those doing the work, but also to those operating personnel whose work could affect the safety of the process. A work authorization notice or permit must have a procedure that describes the steps the maintenance supervisor, contractor representative or other person needs to follow to obtain the necessary clearance to get the job started. The work authorization procedures need to reference and coordinate, as applicable, lockout/tagout procedures, line breaking

procedures, confined space entry procedures and hot work authorizations. This procedure also needs to provide clear steps to follow once the job is completed in order to provide closure for those that need to know the job is now completed and equipment can be returned to normal.

(11) Managing change. To properly manage changes to process chemicals, technology, equipment and facilities, one must define what is meant by change. In this process safety management standard, change includes all modifications to equipment, procedures, raw materials and processing conditions other than "replacement in kind." These changes need to be properly managed by identifying and reviewing them prior to implementation of the change. For example, the operating procedures contain the operating parameters (pressure limits, temperature ranges, flow rates, etc.) and the importance of operating within these limits. While the operator must have the flexibility to maintain safe operation within the established parameters, any operation outside of these parameters requires review and approval by a written management of change procedure. Management of change covers such as changes in process technology and changes to equipment and instrumentation. Changes in process technology can result from changes in production rates, raw materials, experimentation, equipment unavailability, new equipment, new product development, change in catalyst and changes in operating conditions to improve yield or quality. Equipment changes include among others change in materials of construction, equipment specifications, piping prearrangements, experimental equipment, computer program revisions and changes in alarms and interlocks. Employers need to establish means and methods to detect both technical changes and mechanical changes. Temporary changes have caused a number of catastrophes over the years, and employers need to establish ways to detect temporary changes as well as those that are permanent. It is important that a time limit for temporary changes be established and monitored since, without control, these changes may tend to become permanent. Temporary changes are subject to the management of change provisions. In addition, the management of change procedures are used to insure that the equipment and procedures are returned to their original or designed conditions at the end of the temporary change. Proper documentation and review of these changes is invaluable in assuring that the safety and health considerations are being incorporated into the operating procedures and the process. Employers may wish to develop a form or clearance sheet to facilitate the processing of changes through the management of change procedures. A typical change form may include a description and the purpose of the change, the technical basis for the change, safety and health considerations, documentation of changes for the operating procedures, maintenance procedures, inspection and testing, P&IDs, electrical classification, training and communications, prestartup inspection, duration if a temporary change, approvals and authorization. Where the impact of the change is minor and well understood, a check list reviewed by an authorized person with proper communication to others who are affected may be sufficient. However, for a more complex or significant design change, a hazard evaluation procedure with approvals by operations, maintenance, and safety departments may be appropriate. Changes in documents such

as P&IDs, raw materials, operating procedures, mechanical integrity programs, electrical classifications, etc., need to be noted so that these revisions can be made permanent when the drawings and procedure manuals are updated. Copies of process changes need to be kept in an accessible location to ensure that design changes are available to operating personnel as well as to PHA team members when a PHA is being done or one is being updated.

(12) Investigation of incidents. Incident investigation is the process of identifying the underlying causes of incidents and implementing steps to prevent similar events from occurring. The intent of an incident investigation is for employers to learn from past experiences and thus avoid repeating past mistakes. The incidents for which WISHA expects employers to become aware and to investigate are the types of events which result in or could reasonably have resulted in a catastrophic release. Some of the events are sometimes referred to as "near misses," meaning that a serious consequence did not occur, but could have. Employers need to develop in-house capability to investigate incidents that occur in their facilities. A team needs to be assembled by the employer and trained in the techniques of investigation including how to conduct interviews of witnesses, needed documentation and report writing. A multidisciplinary team is better able to gather the facts of the event and to analyze them and develop plausible scenarios as to what happened, and why. Team members should be selected on the basis of their training, knowledge and ability to contribute to a team effort to fully investigate the incident. Employees in the process area where the incident occurred should be consulted, interviewed, or made a member of the team. Their knowledge of the events form a significant set of facts about the incident which occurred. The report, its findings and recommendations are to be shared with those who can benefit from the information. The cooperation of employees is essential to an effective incident investigation. The focus of the investigation should be to obtain facts, and not to place blame. The team and the investigation process should clearly deal with all involved individuals in a fair, open, and consistent manner.

(13) Emergency preparedness. Each employer must address what actions employees are to take when there is an unwanted release of highly hazardous chemicals. Emergency preparedness or the employer's tertiary (third) lines of defense are those that will be relied on along with the secondary lines of defense when the primary lines of defense which are used to prevent an unwanted release fail to stop the release. Employers will need to decide if they want employees to handle and stop small or minor incidental releases. Whether they wish to mobilize the available resources at the plant and have them brought to bear on a more significant release. Or whether employers want their employees to evacuate the danger area and promptly escape to a preplanned safe zone area, and allow the local community emergency response organizations to handle the release. Or whether the employer wants to use some combination of these actions. Employers will need to select how many different emergency preparedness or tertiary lines of defense they plan to have and then develop the necessary plans and procedures, and appropriately train employees in their emergency duties and responsibilities and then implement these lines of defense.

Employers at a minimum must have an emergency action plan which will facilitate the prompt evacuation of employees due to an unwanted release of a highly hazardous chemical. This means that the employer will have a plan that will be activated by an alarm system to alert employees when to evacuate and, that employees who are physically impaired, will have the necessary support and assistance to get them to the safe zone as well. The intent of these requirements is to alert and move employees to a safe zone quickly. Delaying alarms or confusing alarms are to be avoided. The use of process control centers or similar process buildings in the process area as safe areas is discouraged. Recent catastrophes have shown that a large life loss has occurred in these structures because of where they have been sited and because they are not necessarily designed to withstand over-pressures from shockwaves resulting from explosions in the process area. Unwanted incidental releases of highly hazardous chemicals in the process area must be addressed by the employer as to what actions employees are to take. If the employer wants employees to evacuate the area, then the emergency action plan will be activated. For outdoor processes where wind direction is important for selecting the safe route to a refuge area, the employer should place a wind direction indicator such as a wind sock or pennant at the highest point that can be seen throughout the process area. Employees can move in the direction of cross wind to upwind to gain safe access to the refuge area by knowing the wind direction. If the employer wants specific employees in the release area to control or stop the minor emergency or incidental release, these actions must be planned for in advance and procedures developed and implemented. Preplanning for handling incidental releases for minor emergencies in the process area needs to be done, appropriate equipment for the hazards must be provided, and training conducted for those employees who will perform the emergency work before they respond to handle an actual release. The employer's training program, including the hazard communication standard training is to address the training needs for employees who are expected to handle incidental or minor releases. Preplanning for releases that are more serious than incidental releases is another important line of defense to be used by the employer. When a serious release of a highly hazardous chemical occurs, the employer through preplanning will have determined in advance what actions employees are to take. The evacuation of the immediate release area and other areas as necessary would be accomplished under the emergency action plan. If the employer wishes to use plant personnel such as a fire brigade, spill control team, a hazardous materials team, or use employees to render aid to those in the immediate release area and control or mitigate the incident, these actions are covered by WAC 296-62-300, the hazardous waste operations and emergency response (HAZWOPER) standard. If outside assistance is necessary, such as through mutual aid agreements between employers or local government emergency response organizations, these emergency responders are also covered by HAZWOPER. The safety and health protections required for emergency responders are the responsibility of their employers and of the on-scene incident commander. Responders may be working under very hazardous conditions and therefore the objective is to have them competently led by an on-

scene incident commander and the commander's staff, properly equipped to do their assigned work safely, and fully trained to carry out their duties safely before they respond to an emergency. Drills, training exercises, or simulations with the local community emergency response planners and responder organizations is one means to obtain better preparedness. This close cooperation and coordination between plant and local community emergency preparedness managers will also aid the employer in complying with the Environmental Protection Agency's risk management plan criteria. One effective way for medium to large facilities to enhance coordination and communication during emergencies for on plant operations and with local community organizations is for employers to establish and equip an emergency control center. The emergency control center would be sited in a safe zone area so that it could be occupied throughout the duration of an emergency. The center would serve as the major communication link between the on-scene incident commander and plant or corporate management as well as with the local community officials. The communication equipment in the emergency control center should include a network to receive and transmit information by telephone, radio, or other means. It is important to have a backup communication network in case of power failure or one communication means fails. The center should also be equipped with the plant layout and community maps, utility drawings including fire water, emergency lighting, appropriate reference materials such as a government agency notification list, company personnel phone list, SARA Title III reports and material safety data sheets, emergency plans and procedures manual, a listing with the location of emergency response equipment, mutual aid information, and access to meteorological or weather condition data and any dispersion modeling data.

(14) Compliance audits. Employers need to select a trained individual or assemble a trained team of people to audit the process safety management system and program. A small process or plant may need only one knowledgeable person to conduct an audit. The audit is to include an evaluation of the design and effectiveness of the process safety management system and a field inspection of the safety and health conditions and practices to verify that the employer's systems are effectively implemented. The audit should be conducted or led by a person knowledgeable in audit techniques and who is impartial towards the facility or area being audited. The essential elements of an audit program include planning, staffing, conducting the audit, evaluation and corrective action, follow-up and documentation. Planning in advance is essential to the success of the auditing process. Each employer needs to establish the format, staffing, scheduling, and verification methods prior to conducting the audit. The format should be designed to provide the lead auditor with a procedure or checklist which details the requirements of each section of the standard. The names of the audit team members should be listed as part of the format as well. The checklist, if properly designed, could serve as the verification sheet which provides the auditor with the necessary information to expedite the review and assure that no requirements of the standard are omitted. This verification sheet format could also identify those elements that will require evaluation or a response to correct deficiencies. This sheet could also be used

for developing the follow-up and documentation requirements. The selection of effective audit team members is critical to the success of the program. Team members should be chosen for their experience, knowledge, and training and should be familiar with the processes and with auditing techniques, practices, and procedures. The size of the team will vary depending on the size and complexity of the process under consideration. For a large, complex, highly instrumented plant, it may be desirable to have team members with expertise in process engineering and design, process chemistry, instrumentation and computer controls, electrical hazards and classifications, safety and health disciplines, maintenance, emergency preparedness, warehousing or shipping, and process safety auditing. The team may use part-time members to provide for the depth of expertise required as well as for what is actually done or followed, compared to what is written. An effective audit includes a review of the relevant documentation and process safety information, inspection of the physical facilities, and interviews with all levels of plant personnel. Utilizing the audit procedure and checklist developed in the preplanning stage, the audit team can systematically analyze compliance with the provisions of the standard and any other corporate policies that are relevant. For example, the audit team will review all aspects of the training program as part of the overall audit. The team will review the written training program for adequacy of content, frequency of training, effectiveness of training in terms of its goals and objectives as well as to how it fits into meeting the standard's requirements, documentation, etc. Through interviews, the team can determine the employee's knowledge and awareness of the safety procedures, duties, rules, emergency response assignments, etc. During the inspection, the team can observe actual practices such as safety and health policies, procedures, and work authorization practices. This approach enables the team to identify deficiencies and determine where corrective actions or improvements are necessary. An audit is a technique used to gather sufficient facts and information, including statistical information, to verify compliance with standards. Auditors should select as part of their preplanning a sample size sufficient to give a degree of confidence that the audit reflects the level of compliance with the standard. The audit team, through this systematic analysis, should document areas which require corrective action as well as those areas where the process safety management system is effective and working in an effective manner. This provides a record of the audit procedures and findings, and serves as a baseline of operation data for future audits. It will assist future auditors in determining changes or trends from previous audits. Corrective action is one of the most important parts of the audit. It includes not only addressing the identified deficiencies, but also planning, followup, and documentation. The corrective action process normally begins with a management review of the audit findings. The purpose of this review is to determine what actions are appropriate, and to establish priorities, timetables, resource allocations, and requirements and responsibilities. In some cases, corrective action may involve a simple change in procedure or minor maintenance effort to remedy the concern. Management of change procedures need to be used, as appropriate, even for what may seem to be a minor change. Many of the

deficiencies can be acted on promptly, while some may require engineering studies or indepth review of actual procedures and practices. There may be instances where no action is necessary and this is a valid response to an audit finding. All actions taken, including an explanation where no action is taken on a finding, needs to be documented as to what was done and why. It is important to assure that each deficiency identified is addressed, the corrective action to be taken noted, and the audit person or team responsible be properly documented by the employer. To control the corrective action process, the employer should consider the use of a tracking system. This tracking system might include periodic status reports shared with affected levels of management, specific reports such as completion of an engineering study, and a final implementation report to provide closure for audit findings that have been through management of change, if appropriate, and then shared with affected employees and management. This type of tracking system provides the employer with the status of the corrective action. It also provides the documentation required to verify that appropriate corrective actions were taken on deficiencies identified in the audit.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-500 Foreword. (1) General requirements. The chapter 296-78 WAC shall apply to and include safety requirements for all installations where the primary manufacturing of wood building products takes place. The installations may be a permanent fixed establishment or a portable operation. These operations shall include but are not limited to log and lumber handling, sawing, trimming and planing, plywood or veneer manufacturing, canting operations, waste or residual handling, operation of dry kilns, finishing, shipping, storage, yard and yard equipment, and for power tools and affiliated equipment used in connection with such operation. WAC 296-78-450 shall apply to shake and shingle manufacturing. The provisions of WAC 296-78-500 through 296-78-84011 are also applicable in shake and shingle manufacturing except in instances of conflict with the requirements of WAC 296-78-705. (Rev. 1-28-76.)

(2) This standard shall augment the Washington state general safety and health standards, general occupational health standards, electrical workers safety rules, and any other standards which are applicable to all industries governed by chapter 80, Laws of 1973, Washington Industrial Safety and Health Act. In the event of any conflict between any portion of this chapter and any portion of any of the general application standards, the provisions of this chapter 296-78 WAC, shall apply.

(3) In exceptional cases where compliance with specific provisions of this chapter can only be accomplished to the serious detriment and disadvantage of an operation, variance from the requirement may be permitted by the director of the department of labor and industries after receipt of application for variance which meets the requirements of (~~WAC 296-24-010, general safety and health standards~~) chapter 296-350 WAC.

(4) No safety program will run itself. To be successful, the wholehearted interest of the employees' group (labor

unions) and management must not only be behind the program, but the fact must also be readily apparent to all.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-78-515 Management's responsibility. (1) It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

- (a) A safe and healthful working environment.
- (b) An accident prevention program as required by these standards.
- (c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) The employer shall develop and maintain a chemical hazard communication program as required by ~~((chapter 296-62 WAC, Part C))~~ WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) Management shall not assign mechanics, millwrights, or other persons to work on equipment by themselves when there is a probability that the person could fall from elevated work locations or equipment or that a person could be pinned down by heavy parts or equipment so that they could not call for or obtain assistance if the need arises.

Note: This subsection does not apply to operators of motor vehicles, watchperson or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(4) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative if available and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation.

(5) Reporting of fatality or multiple hospitalization incidents.

(a) Within eight hours after the fatality or probable fatality of any employee from a work-related incident or the inpatient hospitalization of two or more employees as a result of a work-related incident, the employer of any employees so affected shall report the fatality/multiple hospitalization by telephone or in person, to the nearest office of the department or by using the OSHA toll-free central telephone number, 1-800-321-6742.

(i) This requirement applies to each such fatality or hospitalization of two or more employees which occurs within thirty days of the incident.

(ii) Exception: If any employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this subsection, the employer shall make a report within eight hours of the time the incident is reported to any agent or employee of the employer.

(iii) Each report required by this subsection shall relate the following information: Establishment name, location of the incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident.

(b) Equipment involved in an incident resulting in an immediate or probable fatality or in the in-patient hospitalization of two or more employees, shall not be moved, until a representative of the department investigates the incident and releases such equipment, except where removal is essential to prevent further incident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of a department investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the incident, or whoever the investigator deems necessary to complete the investigation.

(6) A system for maintaining records of occupational injuries and illnesses as prescribed by chapter 296-27 WAC.

Note: Recordable cases include:

- (a) Every occupational death.
- (b) Every industrial illness.
- (c) Every occupational injury that involves one of the following:
 - (i) Unconsciousness.
 - (ii) Inability to perform all phases of regular job.
 - (iii) Inability to work full time on regular job.
 - (iv) Temporary assignment to another job.
 - (v) Medical treatment beyond first aid.

All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - supplementary record occupational injuries and illnesses and OSHA 200 - log and summary. Forms other than OSHA 101 may be substituted for the supplementary record of occupational injuries and illnesses if they contain the same items.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-78-540 First-aid training and certification.

The employer must ensure that first-aid trained personnel are available to help employees who are injured or who become acutely ill on the job. The employer must meet this requirement by maintaining first-aid trained staff on the job site. The employer must ensure that:

(1) Each person in charge of employees has first-aid training; or another person with first-aid training is present or available to the employees. Such training must be successfully completed every two years as required in ~~((chapter 296-24 WAC, Part A-1))~~ WAC 296-800-150;

(2) Documentation of first-aid training is kept as required in (~~chapter 296-24 WAC, Part A-1~~) WAC 296-800-150;

(3) Emergency telephone numbers are adequately posted;

(4) First-aid training includes the core elements contained in (~~chapter 296-24 WAC, Part A-1~~) WAC 296-800-150.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-78-545 First-aid supplies. The first-aid kits and supplies requirements of (~~the general safety and health standards, chapter 296-24 WAC, Part A-1~~) WAC 296-800-150 apply within the scope of chapter 296-78 WAC.

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

WAC 296-78-56501 Log dumps and ponds. (1) Log dumps, booms, ponds or storage areas, if used at night, shall be illuminated in accordance with the requirements of WAC (~~296-62-09003, general occupational health standards~~) 296-800-210, safety and health core rules.

(2) A log dump shall be constructed at each log pond or decking ground. Log trucks shall not be unloaded by use of peavies or by hand.

(a) The roadbed shall be of hard packed gravel, heavy planking or equivalent material and shall be maintained at all times. Roadbeds at log dumps shall be of width and evenness to insure safe operation of equipment.

(b) A mechanical unloading device shall be provided and used for unloading logs. Log unloading areas shall be arranged and maintained to provide a safe working area.

(c) Signs prohibiting unauthorized foot or vehicle traffic in log unloading and storage areas shall be posted.

(d) At no time shall one person be permitted to work alone on a log dump, a booming or rafting grounds, or a log pond.

(3) Water log dumps. Ungrounded electrically powered hoists using handheld remote control in grounded locations, such as log dumps or mill log lifts, shall be actuated by circuits operating at less than 50 volts to ground.

(4)(a) A brow log, skid timbers or the equivalent shall be installed on all log dumps.

(b) Where logs are unloaded onto skids, sufficient space shall be provided between the top of the skids and the ground to accommodate the body of a person.

(c) All truck dumps shall be built with not more than six inches variation of level from side to side.

(5)(a) All truck log dumps shall be equipped with a positive safeguard to prevent logs from leaving the load on the side opposite the brow log. Jill pokes shall not be used on truck log dumps.

(b) Unloading lines shall be attached and tightened or other positive safeguard in place before binder chains are released at any log dump.

(c) Stakes and chocks which trip shall be constructed in such manner that the tripping mechanism that releases the

stake or chocks is activated at the opposite side of the load being tripped.

(d) Binders shall be released only from the side on which the unloader operates, except when released by remote control devices or except when person making release is protected by racks or stanchions or other equivalent means.

(e) Loads on which a binder is fouled by the unloading machine shall have an extra binder or metal band of equal strength placed around the load, or the load shall be otherwise secured so that the fouled binder can be safely removed.

(f) Unloading lines, crotch lines, or equally effective means shall be arranged and used in a manner to minimize the possibility of any log swinging or rolling back.

(6)(a) In unloading operations, the operator of unloading machine shall have an unobstructed view of the vehicle and the logs being unloaded.

(b) Unloading lines shall be arranged so that it is not necessary for the employees to attach them from the pond or dump site of the load except when entire loads are lifted from the log-transporting vehicle.

(7) All log dumps shall be kept reasonably free of bark and other debris.

(8) Employees shall remain in the clear until all moving equipment has come to a complete stop.

(9) Artificial log ponds subject to unhealthy stagnation shall be drained, cleansed, and water changed at least once every six months.

(10) All employees whose regular work requires walking on logs shall wear spiked or caked shoes, except when working in snow.

(11) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(a) Employees are not considered exposed to the danger of drowning:

(i) When working behind standard height and strength guardrails;

(ii) When working inside operating cabs or stations which eliminate the possibility of accidentally falling into the water;

(iii) When wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water;

(iv) When water depth is known to be chest-deep or less.

(b) Prior to and after each use, personal floating devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(c) To meet the approved criteria required by this subsection (11), a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard lifesaving equipment specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(12)(a) Wooden pike poles shall be of continuous, straight grained No. 1 material. Defective poles, blunt or dull pikes shall not be used.

(b) Aluminum or other metal poles shall not be used where hazard of coming in contact with live electric wires exists.

(13)(a) Walkways and floats shall be provided and security anchored to provide safe passage for workers.

(b) Permanent cable swifters shall be so arranged that it will not be necessary to roll boom sticks in order to attach or detach them.

(c) Inspection of cable or dogging lines shall be made as necessary to determine when repair or removal from service is necessary.

(14)(a) Decks of floats or other walkways shall be kept above the waterline at all times and shall be capable of supporting four times the load to be imposed.

(b) Floating donkeys or other power-driven machinery used on booms shall be placed on a raft or float with enough buoyancy to keep the deck above water.

(15)(a) All regular boom sticks and foot logs shall be reasonably straight, have all protruding knots and bark removed, and shall be capable of supporting above the waterline at either end, any necessary weight of workers and equipment.

(b) Stiff booms shall be two float logs wide secured by boom chains or other connecting devices, and of a width adequate for the working needs. Walking surfaces shall be free of loose material and maintained in good repair.

(c) Boom sticks shall be fastened together with crossies or couplings.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-78-670 Glue machines. (1) Personal protective equipment as required by the (~~general safety and health standard, chapter 296-24 WAC, Part A-2~~) safety and health core rules, WAC 296-800-160, and the general occupational health standard, WAC 296-62-11021, and proper washing facilities with noncaustic soap and sterilizers, shall be provided for all employees handling glue. Rubber gloves and other personal equipment must be sterilized when transferred from one person to another.

(2) Glue spreaders shall be enclosed on the in-running side, leaving only sufficient space to insert the stock.

(3) All glue spreaders shall be equipped with a panic bar or equivalent type device that can be reached from either the infeed or outfeed side of the spreader to shut-off the power in an emergency situation. Such device shall be installed on existing glue spreaders no later than April 1, 1982, and be standard equipment on any glue spreader purchased after January 1, 1982.

(4) All glue mixing and handling rooms where located above work areas shall have water tight floors.

(5) All glue rooms shall be provided with ventilation in accordance with WAC 296-62-110 through 296-62-11013, of the general occupational health standard.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-71001 General. (1) Construction when not specifically covered in these standards shall be governed by such other standards adopted by the department of labor and industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed, and maintained as to provide a safety factor of four. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be evenly surfaced, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the (~~general occupational health standards~~) safety and health core rules, WAC ((296-62-09003) 296-800-210.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

(5) Hazard marking. Physical hazard marking shall be as specified in WAC 296-24-135 through 296-24-13503 of the general safety and health standards.

(6) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two-inch wood planking or material of equivalent structural strength.

(7) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two and one-half inch wood planing or material of equivalent structural strength. However, where flooring is covered by steel floor plates, two inch wood planking or material of equivalent structural strength may be used.

(8) Walkways, docks, and platforms.
(a) Walkways, docks and platforms shall be constructed and maintained in accordance with the requirements of (~~the general safety and health standards,~~) WAC 296-24-735 through 296-24-75011 and WAC 296-800-270.

(b) Maintenance. Walkways shall be evenly floored and kept in good repair.

(c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with (~~the general safety and health standards,~~) WAC 296-24-765 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

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~~

PERMANENT

standards,)) WAC 296-24-750 through 296-24-75011 and WAC 296-800-260.

(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 81-21, filed 8/27/81)

WAC 296-78-71009 Stairways and ladders. (1) Stairways shall be used in preference over ladders wherever possible. Stairways or ladders, whichever is used, shall be constructed and maintained in accordance with the provisions of ~~((the general safety and health standard,))~~ WAC 296-24-75009 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

(2) Doors shall not open directly on a flight of stairs.

(3) Permanent ladders shall be fastened securely at both top and bottom.

(4) Portable ladders shall not be used upon footing other than suitable type.

(5) Hooks or other means of securing portable ladders when in use, shall be provided.

(6) Portable ladders shall not be used for oiling machinery which is in motion.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-71011 Egress and exit. (1) In all enclosed buildings, means of egress shall be provided in accordance with the provisions of ~~((the general safety and health standard,))~~ WAC 296-24-550 through 296-24-56531 and WAC 296-800-310.

(2) All swinging doors shall be provided with windows, the bottom of which shall be not more than forty-eight inches above the floor. One window shall be provided for each section of double swinging doors. All such windows shall be of shatter proof or safety glass unless otherwise protected against breakage.

(3) Outside exits shall open outward. Where sliding doors are used as exits, an inner door not less than two feet six inches by six feet shall be cut inside each of the main doors and arranged to open outward.

(4) At least two fire escapes or substantial outside stairways, shall be provided for mill buildings where the floor level is more than eight feet above the ground.

(a) Buildings over one hundred fifty feet in length shall have at least one additional fire escape or substantial outside stairway for each additional one hundred fifty feet of length or fraction thereof.

(b) Passageways to fire escapes or outside stairways shall be marked and kept free of obstructions at all times.

(c) Fire protection. The requirements of WAC 296-24-585 through 296-24-62003 of the general safety and health standard, and WAC 296-800-300 of the safety and health core rules, shall be complied with in providing the necessary fire protection for sawmills.

(d) Fire drills shall be held at least quarterly and shall be documented.

(5) Where a doorway opens upon a roadway, railroad track, or upon a tramway or dock over which vehicles travel, a barricade or other safeguard and a warning sign shall be placed to prevent workers from stepping directly into moving traffic.

(6) Tramways and trestles shall be substantially supported by piling or framed bent construction which shall be frequently inspected and maintained in good repair at all times. Tramways or trestles used both for vehicular and pedestrian traffic shall have a walkway with standard hand rail at the outer edge and shear timber on the inner edge, and shall provide three feet clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(7) Where tramways and trestles are built over railroads they shall have a vertical clearance of twenty-two feet above the top of the rails. When constructed over carrier docks or roads, they shall have a vertical clearance of not less than six feet above the drivers foot rest on the carrier, and in no event shall this clearance be less than twelve feet from the surface of the lower roadway or dock.

(8) Walkways (either temporary or permanent) shall be not less than twenty-four inches wide and two inches thick, nominal size, securely fastened at each end. When such walkways are used on an incline the angle shall not be greater than twenty degrees from horizontal.

(9) Walkways from the shore or dock to floats or barges shall be securely fastened at the shore end only and clear space provided for the other end to adjust itself to the height of the water.

(10) Cleats of one by four inch material shall be fastened securely across walkways at uniform intervals of eighteen inches whenever the grade is sufficient to create a slipping hazard.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

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))~~ 296-800-220 and 296-800-230 (safety and health core rules), 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 WSR 96-17-056, filed 8/20/96, effective 10/15/96)

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 296-24-81013 of the general safety and health standards and WAC 296-800-290 of the safety and health core rules, 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))~~ 296-800-290.

(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 WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-78-71019 Exhaust systems. (1) Air requirements in buildings, where persons are habitually employed, shall meet the requirements of the general occupational health standard, WAC 296-62-100 through 296-62-11013.

(2) Where the natural ventilation is not sufficient to remove dust, fumes or vapors that create or constitute a hazard, additional means of removal shall be provided.

(3) All mills containing one or more machines whose operations create dust, shavings, chips or slivers during a period of time equal to or greater than one-fourth of the working day or shift, shall be equipped with a collecting system either continuous or automatic in action and of sufficient strength and capacity to thoroughly remove such refuse from the points of operation of the machines and the work areas.

(4) Each woodworking machine that creates dust, shavings, chips, or slivers shall be equipped with an exhaust or conveyor system located and adjusted to remove the maximum amount of refuse from the point of operation and immediate vicinity.

(5) Blower, collecting and exhaust systems shall be designed, constructed and maintained in accordance with American National Standards Z33.1 - 1961 (for the installation of blower and exhaust systems for dust, stock and vapor removal or conveying) and Z12.2 - 1962 (R1969) (code for the prevention of dust explosions in woodworking and wood flour manufacturing plants).

(6) Fans used for ventilating shall be of ample capacity, as evidenced by the performance schedules of the manufacturers, and shall be guarded when exposed to contact. Hoods, dust conveyors, dust collectors and other accessory equipment shall be large enough to insure free intake and discharge.

(7) The outlet or discharge of all ventilating equipment shall be so arranged that at no time will the dust, vapors, gases or other air borne impurities discharged, create or constitute a hazard.

(8) Where a hood is used to form a part or all of the guard required on a given machine, it shall be constructed of not less than ten U.S. gauge sheet metal, or if of cast iron it shall be not less than three-sixteenths inches in thickness.

(9) All exhaust pipes shall be of such construction and internal dimensions as to minimize the possibility of clogging. They shall be readily accessible for cleaning.

(10) All exhaust pipes shall empty into settling or dust chambers which shall effectively prevent the dust or refuse from entering any work area. Such settling or dust chambers shall be so designed and operated as to reduce to a minimum the danger of fire or dust explosions.

(11) In lieu of a general ventilating system, exhaust or blower units may be installed on the dust or fume producing machine, provided the required protection is secured thereby.

(12) When proper ventilation is not provided, and temporary hazardous conditions are therefore encountered, the employer shall furnish approved respiratory and visual equip-

ment: Provided, however, That the exposure to such hazard shall not be for more than two hours duration. Protective measures and equipment shall meet the requirements of the general occupational health standard, chapter 296-62 WAC, Part E (~~and the requirements of the general safety and health standard, WAC 296-24-081 through 296-24-08113~~).

(13) Provisions for the daily removal of refuse shall be made in all operations not required to have an exhaust system, or having refuse too heavy, or bulky, or otherwise unsuitable to be handled by an exhaust system.

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-78-71023 Lighting. The lighting and illumination requirements of (~~the general occupational health standards, WAC 296-62-09003~~) the safety and health core rules, WAC 296-800-210, shall apply.

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

WAC 296-78-730 Electrical service and equipment. (1) Electrical service and equipment shall be constructed, maintained, inspected and operated according to chapter 296-24 WAC, General safety and health standards, Part L, and WAC 296-800-280 of the safety and health core rules.

(2) Repairs. Electrical repairs shall be made only by authorized and qualified personnel.

(3) Identification. Marks of identification on electrical equipment shall be clearly visible.

(4) Protective equipment. Rubber protective equipment shall be provided as required by WAC 296-24-092(1) of the general safety and health standard.

(5) Open switches. Before working on electrical equipment, switches shall be open and shall be locked out.

(6) Concealed conductors. Where electrical conductors are known to be concealed, no work shall be performed until such conductors are located.

(7) Overload relays. Overload relays shall be reset by authorized qualified personnel only.

(8) Passageways to panels. Passageways to switch centers or panels shall at all times be kept free from obstruction. Not less than three feet of clear space shall be maintained in front of switch centers or panels at all times.

(9) Bridging fuses. Fuses shall not be doubled or bridged.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-735 Elevators, moving walks. Elevators, moving walks and other lifting devices intended for either passenger or freight service shall be constructed, maintained, inspected and operated in accordance with the provisions of chapter 70.87 RCW, WAC (~~296-24-870~~) 296-24-875 through 296-24-90009 of the general safety and health standards, and those specific standards which are applicable from the division of building and construction safety inspection services, elevator section.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-795 Crane cages. (1) Safe means of escape shall be provided for operators of all cranes in all operating locations. Rope ladders shall not be used as a regular means of access but may be installed as an emergency escape device to be used in the event of fire, mechanical breakdown or other emergency.

(2) The operator's cage shall be located at a place from which signals can be clearly distinguishable, and shall be securely fastened in a place and well braced to minimize vibration. It shall be large enough to allow ample room for the control equipment and the operator. The operator shall not be required to step over an open space of more than eighteen inches when entering the cage.

(3) Cab operated cranes shall be equipped with a portable fire extinguisher which meets the requirements of ~~((the general safety and health standard,))~~ WAC 296-24-590 through 296-24-59007 and WAC 296-800-300.

(4) In establishments where continuous loud noises prevail such as caused by the operation of pneumatic tools, steam exhausts from boilers, etc., adequate signals shall be installed on cranes or one or more employees shall be placed on the floor for each crane operated to give warning to other employees of the approach of a crane with a load. Where there are more than two cranes on the same runway or within the same building structure, signaling devices are required to give warning to other employees of the approach of a crane with a load.

(5) Cages of cranes subjected to heat from below shall be of noncombustible construction and shall have a steel plate shield not less than one-eighth inch thick, placed not less than six inches below the bottom of the floor of the cage.

(6) Outside crane cages shall be enclosed. There shall be windows on three sides of the cage. The windows in the front and the side opposite the door shall be the full width of the cage.

(7) The floor of the cage on out-door cranes shall be extended to form an entrance landing which shall be equipped with a handrail and toeboard constructed to the specifications of WAC 296-78-790 of this chapter.

(8) A copy of the rules for operators shall be permanently posted in the cages of all cage-operated cranes.

AMENDATORY SECTION (Amending WSR 96-17-056, filed 8/20/96, effective 10/15/96)

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))~~ WAC 296-800-160, safety and health core rules, 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 WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-010 Scope and application. (1) This chapter applies to establishments, firms, persons and corporations that manufacture, process, store, finish, or convert pulp, paper or paperboard and includes all buildings, machinery, and equipment.

(2) This chapter shall augment the Washington state general safety and health standards (chapter 296-24 WAC) ~~((and)),~~ general occupational health standards (chapter 296-62 WAC), and safety and health core rules (chapter 296-800 WAC). In the event of any conflict between any portion of this chapter and any portion of any of the general application standards, the provisions of this chapter 296-79 WAC, shall prevail.

(3) The rules contained in this chapter are minimum requirements and the use of additional guards, or other means, methods or procedures may be needed to make the work or place of work safe.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-020 General requirements. (1) House-keeping.

(a) Floors must be kept reasonably clear of spilled or leaking oil, grease, water, broke, etc., that may cause slipping, tripping or falling. Nonskid type surfacing must be installed in vehicular or pedestrian traffic areas where slipping hazards otherwise would exist.

In areas where it is not possible to keep the floor free of materials which cause a slipping hazard, mats, cleats, or other suitable materials which will effectively minimize or eliminate the hazard must be installed.

(b) Hoses, cords, slings or similar items or equipment must be stored in such a manner that they will not create a hazard.

(2) Storage and transportation of materials. Materials, objects or equipment must be stored or transported by methods which will prevent them from falling, tipping or rolling.

(3) Warning of open manholes or excavations. Open manholes or excavations must be:

- Roped off, barricaded, or adequately safeguarded when located in or adjacent to walkways, aiseways, or roadways.

- Provided with warning lights or lanterns during periods of darkness or reduced visibility.

(4) Training. Employees must receive proper instruction and be familiar with safe operating procedures:

(a) Before they supervise the operation, or make adjustments to any machine or equipment.

(b) To be able to cope with emergencies arising from breaks, ruptures, or spills which would create a hazardous condition.

(c) For lifting and moving objects. Mechanical devices should be used or employees should ask for assistance in lifting or moving heavy objects.

(d) On prompt reporting of any faulty equipment or hazardous condition to the person in charge.

(5) Working alone. When an employee is assigned to work alone in a remote or isolated area, procedures must be developed to ensure:

- That the employee reports by use of radio or telephone to someone periodically; or

- At reasonable intervals a designated person must check on the employee; and

- All persons involved in working alone are advised of the procedures to be followed.

(6) Exits from hazardous areas. Where physically and reasonably possible, there must be at least two unobstructed exits from any hazardous area. Such exits should be on opposite walls.

(7) Safe work area. Sufficient clearance must be maintained between machines to allow employees a safe work area.

(8) Protection from overhead hazard. Warning signs/devices must be:

- Placed in conspicuous locations below areas where overhead work is being done and

- Removed promptly when work is completed and the overhead hazard no longer exists.

(9) Welding areas protected.

(a) Areas in which welding is being done must be screened or barricaded to protect persons from flash burns, when practical.

(b) If the welding process cannot be isolated, all persons who may be exposed to the hazard of arc flash must be properly protected.

(10) Testing safety devices. Brakes, back stops, anti-run-away devices, overload releases, emergency stops, and other

safety devices must be inspected and tested frequently to ensure that all are operative and maintained in good repair.

(11) Starting and stopping devices.

- Electrically or manually operated power starting or stopping devices must be provided within easy reach of the operator from the normal operating position.

- If necessary for safety of the operation, the machine must be so equipped that retarding or braking action can be applied at the time of or after the source of power is deactivated.

(12) Interlocks:

Interlocks that affect the safety of employees must not be bypassed except where the employer demonstrates that alternate procedures or devices provide a level of safety for employees equivalent to that provided by the safety interlock. Interlocks are considered to be bypassed anytime the designed control strategy is bypassed by means including, but not limited to, a temporary wiring change, physical interference or a temporary software change of "force."

Prior to bypassing a safety interlock the employer must:

- Develop a written procedure detailing how the bypass will be accomplished and the alternate means of protecting employees.

- Inform affected employees of all pertinent information including at a minimum the reason for the change, the date of the change, who is responsible for the change, and approximately how long the change will be in effect.

- Post appropriate warning of the change on the equipment or area.

(13) Designing control systems. Employers must ensure that all control systems are designed to:

- Ensure that the system does not create an unsafe state that endangers personnel.

- Ensure that when control systems fail, the equipment being controlled fails to a safe state.

- Have an independent method to safely stop the process or equipment, such as a hardwired emergency stop button or other controls that deenergize the system, or independent methods to force the system to a safe state.

(14) Compressed air.

(a) Compressed air must not be used for cleaning clothing that is being worn, or if it will endanger persons in the area.

(b) Sections of high pressure air hoses must be properly coupled and have safety chains or equivalent safety device attached between the sections (30 psi or more is high pressure air).

(15) Punch bars. Open pipes must not be used as punch bars if the use would create a hazard.

(16) Saw table limit stop or extension. Employees must be protected from contact with the front edge of a circular saw by:

- A limit stop which will prevent the forward swing of the cutting edge from extending beyond the edge of the table or

- Installation of a table extension.

(17) Powder-actuated tools.

- Powder-actuated tool design, construction, operation and use shall comply with all requirements specified in

"safety requirements for powder actuated fastening systems," (see chapter 296-24 WAC, Part H-1).

- A careful check must be made to ensure that no cartridges or charges are left where they could enter equipment or be accidentally discharged in any area where they could create a fire or explosion hazard.

(18) Ladders required on waterfront docks. Employers must ensure that either permanent ladders or portable ladders:

- Are readily available for emergency use on all waterfront docks.

- Extend from the face of the dock to the water line at its lowest elevation.

- Are installed at intervals not to exceed 400 feet.

- Are noticeable by painting the dock area immediately adjacent to the ladder with a bright color which contrasts with the surrounding area.

- Have been secured with a suitable method.

Note: When working on or around water also see ((~~chapter 296-24 WAC, Part A-2~~)) WAC 296-800-160.

(19) Prevent overhang while removing materials. Extreme care must be taken to prevent material from creating an overhang while removing the materials from piles or bins.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-040 Fire protection, ignition sources and means of egress. For fire protection, ignition source, and means of egress requirements see chapter 296-24 WAC, Part G-1, G-2 and G-3 and WAC 296-800-300.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-050 Personal protection clothing and equipment. See ((~~chapter 296-24 WAC, Part A-2~~)) WAC 296-800-160 for additional personal protective equipment requirements.

(1) Rings or other jewelry that could create a hazard should not be worn by employees while in the performance of their work.

(2) Protective footwear.

- Employees who work in areas where there is a possibility of foot injury due to falling or rolling objects must wear safety type footwear.

- Employers will supply shoe guards and toe protectors.

- Employers must also make safety shoes available for purchase by employees at not more than actual cost to the employer.

(3) Calks or other suitable footwear that will afford reasonable protection from slipping must be:

- Worn while working on logs.

- Made available at not more than actual cost to the employer.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-090 Electrical equipment and distribution. All electrical installations and electrical utilization

equipment must comply with chapter 296-24 WAC, Part L, and WAC 296-800-280.

(1) Operator controlled devices. Push buttons, selector switches, remote control switches, automatic circuit activating devices, and other control circuit type devices must be marked to indicate their function and the equipment they control.

(2) Posting equipment automatically activated or remotely controlled. If it will create a hazard to personnel, equipment which is automatically activated or remotely controlled must be posted, warning persons that machine may start automatically.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-100 Floors, platforms, stairways, ladders, loading docks. See chapter 296-24 WAC, Part J, and chapter 296-800 WAC.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-120 Scaffolds, construction, use and maintenance. See General safety and health standards, chapter 296-24 WAC, Part ((~~J-1~~)) J-2 or Safety standards for construction work, chapter 296-155 WAC, Part J-1.

AMENDATORY SECTION (Amending WSR 99-16-083, filed 8/3/99, effective 11/3/99)

WAC 296-79-300 Machine room equipment and procedures. (1) Pulp and paper machines must be equipped with emergency stopping control(s) which can be actuated quickly from all normal operating stations. If useful for the safety of personnel, the stopping control(s) must be interlocked with adequate retarding or braking action to stop the machine as quickly as is practical. The devices must consist of push buttons for electric motive power (or electrically operated engine stops), pull cords connected directly to the prime mover, control clutches, or other devices.

(2) Steps and footwalks along the fourdrinier/forming and press section must have nonslip surfacing and be complete with standard handrails, when practical.

(3) If a machine must be lubricated while in operation an automatic lubricating device must be provided or oil cups and grease fittings must be provided which can be serviced safely without exposing the worker to any hazards.

(4) All levers carrying weights must be so constructed that weights will not slip or fall off.

(5) Guarding inrunning nip points.

(a) The drums on pulp and paper machine winders.

(i) These drums must be provided with suitable guards to prevent a person from being caught between the roll and the front drum on the winder when the pinch point is on the operator's side.

(ii) Such guards must be interlocked with the drive mechanism to prevent the winder from running while the guard is not in place. Except that the winder may be wired to

allow it to run at thread or jog speed only for adjustment and start-up purposes while the guard is not in position.

(iii) A zero speed switch or locking device must be installed to prevent the guard from being removed while the roll is turning above thread or jog speed.

(b) Rewinders.

When rewinding large rolls and the nip point is adjacent to the normal work area.

- The nip point must be protected by a barrier guard and
- Such guard must be interlocked with the drive mechanism to prevent operating the machine above thread or jog speed without the guard in place and

- A zero speed switch must be installed to prevent the guard from being raised while the roll is turning.

(c) Inrunning nips where paper is not being fed into a calender must be guarded.

(6) An audible alarm must be sounded prior to starting up any section of a pulp or paper machine. Sufficient time must be allowed between activation of the alarm system and start-up of the equipment to allow any persons to clear the hazardous area.

(7) When starting up a dryer section, steam to heat the drums must be introduced slowly and while the drums are revolving.

(8) A safe method must be used when starting paper into the nip of drum type reels or calender stacks. This may be accomplished by the use of feeder belts, carrier ropes, air carrier or other device or instrument.

- A rope carrying system should be used wherever possible at points of transfer, or

- Sheaves should be spaced so that they do not create a nip point with each other and the sheave and its support should be capable of withstanding the speed and breaking strength of the rope for which they are intended.

(9) Employees must not feed a stack with any hand held device which is capable of going through the nip.

(10) Employees must not attempt to remove a broken carrier rope from a dryer while the section is running at operating speed.

(11) Employees must stop the dryer to remove a wrap except in cases where it can be safely removed by using air or other safe means.

(12) To remove deposits from rolls, a specially designed scraper or tool shall be used. Scraping of rolls must be performed on the outgoing nip side.

(13) Doctor blades.

(a) Cleaning. Employees must not place their hands between the sharp edge of an unloaded doctor blade and the roll while cleaning the doctor blade.

(b) Doctor blades must have the sharp edges properly guarded during transportation and storage.

(c) Special protective gloves must be provided and must be worn by employees when filing or handling sharp edged doctor blades.

(14) Handling reels.

(a) Reels must stop rotating before being lifted away from reel frame.

Crane hooks must not be used to stop a turning reel.

(b) Exposed rotating reel shafts with square block ends must be guarded.

(c) The crane operator must ascertain that reels are properly seated at winder stand or at reel arms before they disengage the hooks.

(d) On stored reels, a clearance of at least 8 inches between the reels of paper must be maintained.

(15) All winder shafts must be equipped with a winder collar guide. The winder must have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housing. If winder shafts are too heavy for manual handling, mechanical equipment must be used.

(16) Shaftless winders must be provided with a barrier guard of sufficient strength and size to confine the rolls in the event they become dislodged while running.

(17) All calender stacks and spreader bars must be grounded according to chapter 296-24 WAC, Part L, and WAC 296-800-280 as protection against shock induced by static electricity.

(18) Nonskid type surface required.

(a) All exposed sole plates between dryers, calenders, reels, and rewinders must have a nonskid type surface.

(b) A nonskid type surface must be provided in the work areas around the winders or rewinders.

(19) If a powered roll ejector is used it should be interlocked to prevent accidental actuation until the receiving platform or roll lowering table is in position to receive the roll.

(20) Employees must keep clear of hazardous areas around the lowerator, especially all lowerator openings in a floor and where roll is being discharged.

(21) Provision must be made to hold the rider roll when in a raised position unless counterbalancing eliminates the hazard.

(22) Drain openings in pits. Flush floor drain openings larger than 3 inches in diameter in the bottom of pits must be guarded to prevent workers from stepping through, while working in this area.

(23) Employees must not enter into or climb on any paper machine roll that is subject to free turning unless a positive locking device has been installed to prevent the roll from turning.

(24) The employer must ensure sufficient inspection and nondestructive examination of reel spool and calender roll journals. The type and frequency of testing must be adequate to detect indications of failure. Any reel spool or calender roll journal found to have an indication of failure must be removed from service. Nondestructive examination personnel must be qualified in accordance with SNT-TC 1A.

AMENDATORY SECTION (Amending WSR 97-22-065, filed 11/3/97, effective 1/1/98)

WAC 296-99-010 What safety hazards does this chapter require the employer to control? This chapter directs the employer to control dust fires, explosions and other safety hazards in grain handling facilities including the waterfront dock areas at marine terminals (chapter 296-56 WAC will not apply).

All provisions from chapters 296-24 ((and)), 296-62, and 296-800 WAC also apply. If rules in either of these chapters

conflict with rules in chapter 296-99 WAC, chapter 296-99 WAC will prevail.

AMENDATORY SECTION (Amending WSR 97-22-065, filed 11/3/97, effective 1/1/98)

WAC 296-99-040 What practices must an employer follow for entry into grain storage structures? This section applies to employee entry into all grain storage structures.

(1) The employer must ensure that the practice of walking down grain is prohibited. "Walking down grain" means an employee walks on grain to make it flow within or out from a grain storage structure, or an employee is on moving grain.

(2) The employer must ensure that during the entry and occupation of a storage structure the employee uses:

- A body harness with a lifeline; or
- A boatswain's chair that meets the requirements of Part ~~((J-1))~~ J-2 of chapter 296-24 WAC whenever:

(a) The employee is exposed to a fall hazard such as when entering from the top or above the level of the stored grain; or

(b) The employee is exposed to an engulfment hazard such as when entering at the level of the stored grain, or while walking or standing on the grain. The lifeline must be rigged so that its position and length will prevent the employee from sinking below waist level.

(3) The employer must ensure that during the occupation of storage structures, including walking or standing on grain, employees are protected from hazards related to:

- Mechanical;
- Electrical;
- Hydraulic; and
- Pneumatic equipment.

By using safeguards, lockout-tagout, or other equally effective means. All provisions for the control of hazardous energy (lockout/tagout) from WAC 296-24-110 apply to this chapter.

(4) The employer must ensure that employees are prohibited from entering any storage structure where a build-up of grain overhead (bridging) or on the sides could fall and bury them.

(5) The employer must ensure, as minimum precautions, that employee entry and occupation of all grain storage structures including flat storage structures is done according to all applicable requirements of WAC 296-62-145, confined space, when the storage structure:

- Has limited or restricted means of entry and exit; and
- Is not designed for continuous employee occupancy.

(6) The employer may allow an employee to perform confined space entry work in grain storage structures without a permit if the employer's representative personally monitors the work to prevent employee exposure to illness or injury from atmospheric hazards during the entire operation.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-155-120 First-aid training and certification. This section is designed to assure that all employees in this state are afforded quick and effective first-aid attention in the event of an on the job injury. To achieve this purpose the presence of personnel trained in first-aid procedures at or near those places where employees are working is required. Compliance with the provisions of this section may require the presence of more than one first-aid trained person.

(1) The first-aid training requirements of the ~~((general))~~ safety and health ~~((standards))~~ core rules, chapter ~~((296-24))~~ 296-800 WAC, ~~((Part A-1))~~ apply within the scope of chapter 296-155 WAC.

(2) Each employer must have available at all worksites, where a crew is present, a person or persons holding a valid first-aid certificate.

(3) All crew leaders, supervisors or persons in direct charge of one or more employees must have a valid first-aid certificate.

(4) For the purposes of this section, a crew means a group of two or more employees working at any worksite.

Note: The requirement that all crew leaders, supervisors or person in direct charge of one or more employees (subsection (3) of this section) applies even if other first-aid trained person(s) are available. In emergencies, crew leaders will be permitted to work up to thirty days without having the required certificate, providing an employee in the crew or another crew leaders in the immediate work area has the necessary certificate.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-155-125 First-aid supplies. (1) The first-aid kits and supplies requirements of the ~~((general))~~ safety and health ~~((standards))~~ core rules, chapter ~~((296-24))~~ 296-800 WAC, ~~((Part A-1))~~ apply within the scope of chapter 296-155 WAC.

(2) All vehicles used to transport work crews must be equipped with first-aid supplies.

(3) When practical, a poster must be fastened and maintained either on or in the cover of each first-aid kit and at or near all phones plainly stating the worksite address or location, and the phone numbers of emergency medical responders for the worksite.

(4) Requirements of WAC 296-62-130, Emergency washing facilities, apply within the scope of chapter 296-155 WAC.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-155-130 First-aid station. Employers with fifty or more employees per shift at one location must establish a first-aid station in accordance with the requirements in chapter ~~((296-24))~~ 296-800 WAC~~((, Part A-1))~~.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-155-17321 Hygiene facilities and practices. (1) General.

(a) The employer shall provide decontamination areas for employees required to work in regulated areas or required by WAC 296-155-17319 to wear protective clothing. Exception: In lieu of the decontamination area requirement specified in this subsection, the employer may permit employees engaged in small scale, short duration operations, to clean their protective clothing or dispose of the protective clothing before such employees leave the area where the work was performed.

(b) Change areas. The employer shall ensure that change areas are equipped with separate storage facilities for protective clothing and street clothing, in accordance with WAC 296-24-12011.

(c) Equipment area. The equipment area shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective clothing and equipment.

(2) Shower area.

(a) Where feasible, shower facilities shall be provided which comply with WAC ((~~296-24-12009(3)~~) 296-24-12010) wherever the possibility of employee exposure to airborne levels of MDA in excess of the permissible exposure limit exists.

(b) Where dermal exposure to MDA occurs, the employer shall ensure that materials spilled or deposited on the skin are removed as soon as possible by methods which do not facilitate the dermal absorption of MDA.

(3) Lunch areas.

(a) Whenever food or beverages are consumed at the worksite and employees are exposed to MDA the employer shall provide clean lunch areas where MDA levels are below the action level and where no dermal exposure to MDA can occur.

(b) The employer shall ensure that employees wash their hands and faces with soap and water prior to eating, drinking, smoking, or applying cosmetics.

(c) The employer shall ensure that employees do not enter lunch facilities with contaminated protective work clothing or equipment.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-155-17625 Employee information and training. (1) General.

(a) The employer shall communicate information concerning lead hazards according to the requirements of WISHA's Hazard Communication Standard for the construction industry, ((~~part C of~~) chapter ((~~296-62~~) 296-800 WAC, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) For all employees who are subject to exposure to lead at or above the action level on any day or who are subject to

exposure to lead compounds which may cause skin or eye irritation (e.g., lead arsenate, lead azide), the employer shall provide a training program in accordance with subsection (2) of this section and assure employee participation.

(c) The employer shall provide the training program as initial training prior to the time of job assignment or prior to the start up date for this requirement, whichever comes last.

(d) The employer shall also provide the training program at least annually for each employee who is subject to lead exposure at or above the action level on any day.

(2) Training program. The employer shall assure that each employee is trained in the following:

(a) The content of this standard and its appendices;

(b) The specific nature of the operations which could result in exposure to lead above the action level;

(c) The training requirements for respiratory protection as required by chapter 296-62 WAC, Part E (see WAC 296-62-07117, 296-62-07172, and WAC 296-62-07186 through 296-62-07190);

(d) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females and hazards to the fetus and additional precautions for employees who are pregnant);

(e) The engineering controls and work practices associated with the employee's job assignment including training of employees to follow relevant good work practices described in Appendix B, WAC 296-155-17652;

(f) The contents of any compliance plan in effect;

(g) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician; and

(h) The employee's right of access to records under Part B, chapter 296-62 WAC and chapter 296-800 WAC.

(3) Access to information and training materials.

(a) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(b) The employer shall provide, upon request, all materials relating to the employee information and training program to affected employees and their designated representatives, and the director.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-407 Protective clothing. (1) General requirements. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of chapter ((~~296-24~~) 296-800 WAC, ((~~Part A-2~~) and chapter 296-24 WAC, Part I. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) Specified protective clothing. Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

Note: For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(e) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(f) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(g) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-005 Purpose and scope. (1) The standards included in this chapter apply throughout the state of Washington, to any and all work places subject to the Washington Industrial Safety and Health Act (chapter 49.17 RCW), where construction, alteration, demolition, related inspection, and/or maintenance and repair work, including painting and decorating, is performed. These standards are minimum safety requirements with which all industries must comply when engaged in the above listed types of work.

(2) If a provision of this chapter conflicts with a provision of the general safety and health standard (chapter 296-24 WAC) (~~(06)~~), the general occupational health standard (chapter 296-62 WAC), or the safety and health core rules (chapter 296-800 WAC), the provision of this chapter shall prevail. When a provision of this chapter conflicts with a provision of another vertical safety standard applying to the place of work, the provisions of the vertical standard of specific application shall prevail.

AMENDATORY SECTION (Amending WSR 00-08-078, filed 4/4/00, effective 7/1/00)

WAC 296-155-110 Accident prevention program. (1) Exemptions. Workers of employers whose primary business is other than construction, who are engaged solely in maintenance and repair work, including painting and decorating, are exempt from the requirement of this section provided:

(a) The maintenance and repair work, including painting and decorating, is being performed on the employer's premises, or facility.

(b) The length of the project does not exceed one week.

(c) The employer is in compliance with the requirements of WAC ((~~296-24-040~~) 296-800-140 Accident prevention program(s)), and WAC ((~~296-24-045~~) 296-800-130, Safety ((~~and health~~)) committees ((~~plan~~)) and safety meetings.

(2) Each employer shall develop a formal accident-prevention program, tailored to the needs of the particular plant or operation and to the type of hazard involved. The department may be contacted for assistance in developing appropriate programs.

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

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

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

(b) How to report unsafe conditions and practices.

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

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

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

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

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

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

(5) Every employer shall conduct crew leader-crew safety meetings as follows:

(a) Crew leader-crew safety meetings shall be held at the beginning of each job, and at least weekly thereafter.

(b) Crew leader-crew meetings shall be tailored to the particular operation.

(6) Crew leader-crew safety meetings shall address the following:

(a) A review of any walk-around safety inspection conducted since the last safety meeting.

(b) A review of any citation to assist in correction of hazards.

(c) An evaluation of any accident investigations conducted since the last meeting to determine if the cause of the unsafe acts or unsafe conditions involved were properly identified and corrected.

(d) Attendance shall be documented.

(e) Subjects discussed shall be documented.

Note: Subcontractors and their employees may, with the permission of the general contractor, elect to fulfill the requirements of subsection (5)(a) and (b) of this section by attending the prime contractors crew leader-crew safety meeting. Any of the requirements of subsections (6)(a), (b), (c), and (7) of this section not satisfied by the prime contractors safety meetings shall be the responsibility of the individual employers.

(7) Minutes of each crew leader-crew meeting shall be prepared and a copy shall be maintained at the location where the majority of the employees of each construction site report for work each day.

(8) Minutes of crew leader-crew safety meetings shall be retained by the employer for at least one year and shall be made available for review by personnel of the department, upon request.

(9) Every employer shall conduct walk-around safety inspections as follows:

(a) At the beginning of each job, and at least weekly thereafter, a walk-around safety inspection shall be conducted jointly by one member of management and one employee, elected by the employees, as their authorized representative.

(b) The employer shall document walk-around safety inspections and such documentation shall be available for inspection by personnel of the department.

(c) Records of walk-around inspections shall be maintained by the employer until the completion of the job.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-140 Sanitation. (1) Potable water.

(a) An adequate supply of potable water shall be provided in all places of employment.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) The common drinking cup is prohibited.

(e) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(f) All water containers used to furnish drinking water shall be thoroughly cleaned at least once each week or more often as conditions require.

(g) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(h) The following definitions apply:

(i) Mobile crew: A work crew that routinely moves to a different work location periodically. Normally a mobile crew is not at the same location all day.

(ii) Normally unattended work location: An unattended site that is visited occasionally by one or more employees.

(iii) Nearby facility: A sanitary facility that is within three minutes travel by the transportation provided.

(iv) "Potable water" means water which meets the quality standards for drinking purposes of state or local authority having jurisdiction or water that meets the quality standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

(2) Wash water.

(a) Clean, tepid wash water, between 70 and 100 degrees Fahrenheit, shall be provided at all construction sites.

(b) Individual hand towels shall be provided. Both a sanitary container for the unused towels and a receptacle for disposal of used towels shall be provided.

(c) Hand soap, industrial hand cleaner or similar cleansing agents shall be provided. Cleansing agents shall be adequate to remove any paints, coatings, herbicides, insecticides or other contaminants.

(d) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(e) Gasoline or solvents shall not be used for personal cleaning.

(f) Wash water areas will be maintained in a dry condition. Slipping or other hazards shall be eliminated from the wash water area before it is acceptable for use.

(3) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or fire fighting purposes only, shall be identified by signs meeting the requirements of Part E of this chapter, to indicate clearly that the water is unsafe and is not to be used for drinking, washing or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water, a system furnishing nonpotable water or a system furnishing wash water.

(4) Toilets.

(a) The provisions of this section apply to both portable chemical toilets and to flush toilets, except where flush toilets are used the requirements of WAC ((~~296-24-12007-1(a)~~)) 296-800-230 shall apply instead of (b) of this subsection.

(b) Accessible toilets shall be provided for employees according to the following table:

TABLE B-1

<u>Number of Employees</u>	<u>Toilets Required</u>
1 - 10	1
11 - 25	2
26 - 40	3
41 - 60	4
61 - 80	5
Over 80	one additional toilet for each additional twenty employees or any fraction thereof.

(c) When the employer provides both flush and portable chemical toilets, the number of employees allowed to be served by the flush toilets, per WAC ((~~296-24-12007-1(a)~~)) 296-800-230 will be calculated. That number will be subtracted from the total number of employees and the employer will be required to provide an adequate number of portable

PERMANENT

chemical toilets for the number of remaining employees, as required by (b) of this subsection.

(d) Toilets shall be maintained in clean, sanitary and functional condition. Internal latches shall be provided to secure the units from inadvertent entry. Where there are twenty or more employees consisting of both sexes, facilities shall be provided for each sex.

(i) Each unit shall be properly cleaned on a routine basis.

(ii) Chemicals, toilet tissue and sanitary seat covers shall be maintained in a supply sufficient for use during the entire shift.

(iii) Any defective or inadequate unit shall be immediately removed from service.

(e) Specifications. The following specifications apply:

(i) A noncaustic chemical toilet (portable chemical toilet is) a self-contained unit equipped with a waste receiving chemical holding container.

(ii) Portable chemical toilets consisting of only a holding tank, commonly referred to as "elevator units" or "elevator toilets" are not acceptable. "Elevator units" may be used if they are individually located in a lockable room which affords privacy. When this type unit is used in a private individual lockable room the entire room will be considered a toilet facility, as such the room will meet all requirements of toilet facilities and be inspected in accordance with subsection (5)(b)(iii) of this section.

(iii) Rooms, buildings or shelters housing toilets shall be of sound construction, easy to clean, provide shelter and provide privacy. The toilet rooms shall be ventilated to the outside and adequately lighted. All openings into the toilet room shall be covered with 16-mesh screen.

(iv) Toilets shall be serviced on a regular schedule. Servicing shall include the use of a disinfectant for cleaning urinals and seats, removing waste from containers, recharging containers with an odor controlling chemical and installing an adequate supply of toilet tissue and seat covers.

(v) Service shall be performed in accordance with local codes by approved servicing organizations. Waste shall be disposed of or discharged in accordance with requirements of local health department regulations.

(vi) Waste containers shall be fabricated from impervious materials, e.g. plastic, steel, fiberglass or their equivalent. Containers shall be water tight and capable of containing the chemical waste in a sanitary manner. The container shall be fitted to the building in a manner so as to prevent insects from entering from the exterior of the building. Containers shall be adequate in size to be used by the number of persons, according to the schedule for minimum requirements, without filling the container to more than half of its volume before regularly scheduled servicing.

(vii) Removal of waste shall be handled in a clean and sanitary manner by means of a vacuum hose and received by a leak-proof tank truck. All valves on the tank shall be leak-proof.

(viii) Provisions shall be made so service trucks have a clear approach and convenient access to the toilets to be serviced.

(ix) Disposal of waste from tank trucks shall be in accordance with local health department requirements. In the absence of provisions by local health departments, waste

must be disposed of through municipal or district sanitary sewage systems. Municipal or area sanitary sewage districts shall provide sewage disposal locations and facilities which are adequate and convenient for duly authorized toilet service organizations.

(f) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(5)(a) On multi-employer worksites, the prime contractor shall ensure that the requirements of this section are met. Each employer is responsible for seeing that facilities for their own employees are provided.

(b) Each employer shall ensure, at the beginning of each shift, that the sanitation facilities required by this section are inspected. If any facility or unit fails to meet the following requirements, immediate corrective action shall be taken. Such action shall be documented and maintained at the site for at least 72 hours. Inspection shall establish:

(i) Potable water: Sufficient supply of water, sufficient supply of cups, container integrity, cleanliness of unit and area, capacity of trash receptacle (empty).

(ii) Wash water: Sufficient supply of clean water, proper temperature, sufficient supply of towels, sufficient supply of cleansing agents, container integrity, cleanliness of unit and area without the presence of physical hazards, capacity of trash receptacle (empty).

(iii) Toilets: Sufficient supply of toilet tissue and sanitary seat covers, capacity and condition of chemical agent, capacity and condition of holding tank, cleanliness of unit and area without the presence of physical hazards, physical and structural condition of unit, condition of lock, condition of toilet seat and tissue holder, absence of all foreign debris.

(c) The location of the facilities required by subsections (1), (2) and (4) of this section shall be as close as practical to the highest concentration of employees.

(i) On multistory structures they shall be furnished on every third floor.

(ii) At all sites they shall be located within 200 feet horizontally of all employees.

(iii) The requirements of subsection (5)(c)(i) and (ii) do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(6) Food handling. All employees' food service facilities and operations shall meet the applicable laws, ordinances and regulations of the jurisdictions in which they are located.

(7) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated and lighted.

AMENDATORY SECTION (Amending Order 92-15, filed 2/3/93, effective 3/15/93)

WAC 296-155-17323 Communication of hazards to employees. (1) Signs and labels.

PERMANENT

(a) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas that bear the following legend:

DANGER MDA MAY CAUSE CANCER LIVER TOXIN
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING
MAY BE REQUIRED TO BE WORN IN THIS AREA

(b) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of MDA within the workplace. The labels shall comply with the requirements of WAC ((296-62-0541)) 296-800-170 and shall include one of the following legends:

(i) For pure MDA

DANGER CONTAINS MDA MAY CAUSE CANCER LIVER TOXIN

(ii) For mixtures containing MDA

DANGER CONTAINS MDA CONTAINS MATERIALS
WHICH MAY CAUSE CANCER LIVER TOXIN

(2) Material safety data sheets (MSDS). Employers shall obtain or develop, and shall provide access to their employees to, a material safety data sheet (MSDS) for MDA.

(3) Information and training.

(a) The employer shall provide employees with information and training on MDA, in accordance with WAC ((296-62-054 through 296-62-05415)) 296-800-170, at the time of initial assignment and at least annually thereafter.

(b) In addition to the information required under WAC ((296-62-054)) 296-800-170, the employer shall:

(i) Provide an explanation of the contents of this section, including Appendices A and B of this section, and indicate to employees where a copy of the standard is available;

(ii) Describe the medical surveillance program required under WAC 296-155-17327, and explain the information contained in Appendix C of this standard; and

(iii) Describe the medical removal provision required under WAC 296-155-17327.

(4) Access to training materials.

(a) The employer shall make readily available to all affected employees, without cost, all written materials relating to the employee training program, including a copy of this regulation.

(b) The employer shall provide to the director, upon request, all information and training materials relating to the employee information and training program.

AMENDATORY SECTION (Amending WSR 99-10-071, filed 5/4/99, effective 9/1/99)

WAC 296-155-174 Cadmium. (1) Scope. This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium. Construction work is defined as work involving construction, alteration, and/or repair, including but not limited to the following:

(a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present;

(b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints;

(c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium;

(d) Cadmium welding; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys;

(e) Installation of products containing cadmium;

(f) Electrical grounding with cadmium-welding, or electrical work using cadmium-coated conduit;

(g) Maintaining or retrofitting cadmium-coated equipment;

(h) Cadmium contamination/emergency cleanup; and

(i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(2) Definitions.

(a) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air (2.5 µg/m³), calculated as an 8-hour time-weighted average (TWA).

(b) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by WISHA or regulations issued under it to be in regulated areas.

(c) Competent person, in accordance with WAC 296-155-012(4), means a person designated by the employer to act on the employer's behalf who is capable of identifying existing and potential cadmium hazards in the workplace and the proper methods to control them in order to protect workers, and has the authority necessary to take prompt corrective measures to eliminate or control such hazards. The duties of a competent person include at least the following: Determining prior to the performance of work whether cadmium is present in the workplace; establishing, where necessary, regulated areas and assuring that access to and from those areas is limited to authorized employees; assuring the adequacy of any employee exposure monitoring required by this standard; assuring that all employees exposed to air cadmium levels above the PEL wear appropriate personal protective equipment and are trained in the use of appropriate methods of exposure control; assuring that proper hygiene facilities are provided and that workers are trained to use those facilities; and assuring that the engineering controls required by this standard are implemented, maintained in proper operating condition, and functioning properly.

(d) Director means the director of the department of labor and industries or authorized representative.

(e) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(f) Final medical determination is the written medical opinion of the employee's health status by the examining physician under subsection (12)(c) through (l) of this section

or, if multiple physician review under subsection (12)(m) of this section or the alternative physician determination under subsection (12)(n) of this section is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(g) High-efficiency particulate air (HEPA) filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(h) Regulated area means an area demarcated by the employer where an employee's exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

(i) This section means this cadmium standard.

(3) Permissible exposure limit (PEL). The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average exposure (TWA).

(4) Exposure monitoring

(a) General.

(i) Prior to the performance of any construction work where employees may be potentially exposed to cadmium, the employer shall establish the applicability of this standard by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. The employer shall designate a competent person who shall make this determination. Investigation and material testing techniques shall be used, as appropriate, in the determination. Investigation shall include a review of relevant plans, past reports, material safety data sheets, and other available records, and consultations with the property owner and discussions with appropriate individuals and agencies.

(ii) Where cadmium has been determined to be present in the workplace, and it has been determined that there is a possibility the employee's exposure will be at or above the action level, the competent person shall identify employees potentially exposed to cadmium at or above the action level.

(iii) Determinations of employee exposure shall be made from breathing-zone air samples that reflect the monitored employee's regular, daily 8-hour TWA exposure to cadmium.

(iv) Eight-hour TWA exposures shall be determined for each employee on the basis of one or more personal breathing-zone air samples reflecting full shift exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, in the same work area, and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In representative sampling, the employer shall sample the employee(s) expected to have the highest cadmium exposures.

(b) Specific.

(i) Initial monitoring. Except as provided for in (b)(iii) of this subsection, where a determination conducted under (a)(i) of this subsection shows the possibility of employee exposure to cadmium at or above the action level, the employer shall conduct exposure monitoring as soon as practicable that is

representative of the exposure for each employee in the workplace who is or may be exposed to cadmium at or above the action level.

(ii) In addition, if the employee periodically performs tasks that may expose the employee to a higher concentration of airborne cadmium, the employee shall be monitored while performing those tasks.

(iii) Where the employer has objective data, as defined in subsection (14)(b) of this section, demonstrating that employee exposure to cadmium will not exceed airborne concentrations at or above the action level under the expected conditions of processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(iv) Where a determination conducted under (a) or (b) of this subsection is made that a potentially exposed employee is not exposed to airborne concentrations of cadmium at or above the action level, the employer shall make a written record of such determination. The record shall include at least the monitoring data developed under (b)(i) through (iii) of this subsection, where applicable, and shall also include the date of determination, and the name and Social Security number of each employee.

(c) Monitoring frequency (periodic monitoring).

(i) If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer shall monitor at a frequency and pattern needed to assure that the monitoring results reflect with reasonable accuracy the employee's typical exposure levels, given the variability in the tasks performed, work practices, and environmental conditions on the job site, and to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls.

(ii) If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level and that result is confirmed by the results of another monitoring taken at least seven days later, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(d) Additional monitoring. The employer also shall institute the exposure monitoring required under (b)(i) and (c) of this subsection whenever there has been a change in the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer or competent person has any reason to suspect that any other change might result in such further exposure.

(e) Employee notification of monitoring results.

(i) No later than five working days after the receipt of the results of any monitoring performed under this section, the employer shall notify each affected employee individually in writing of the results. In addition, within the same time period, the employer shall post the results of the exposure monitoring in an appropriate location that is accessible to all affected employees.

(ii) Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the written notice a statement that the PEL has been exceeded

and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.

(f) Accuracy of measurement. The employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus 25 percent ($\pm 25\%$), with a confidence level of 95 percent, for airborne concentrations of cadmium at or above the action level and the permissible exposure limit.

(5) Regulated areas.

(a) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).

(b) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the regulated area, including employees who are or may be incidentally in the regulated areas, and that protects persons outside the area from exposure to airborne concentrations of cadmium in excess of the PEL.

(c) Access. Access to regulated areas shall be limited to authorized persons.

(d) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with subsection (7)(b) of this section.

(e) Prohibited activities. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, or carry the products associated with any of these activities into regulated areas or store such products in those areas.

(6) Methods of compliance.

(a) Compliance hierarchy.

(i) Except as specified in (a)(ii) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(ii) The requirement to implement engineering controls to achieve the PEL does not apply where the employer demonstrates the following:

(A) The employee is only intermittently exposed; and

(B) The employee is not exposed above the PEL on 30 or more days per year (12 consecutive months).

(iii) Wherever engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of subsection (7) of this section and the PEL.

(iv) The employer shall not use employee rotation as a method of compliance.

(b) Specific operations.

(i) Abrasive blasting. Abrasive blasting on cadmium or cadmium-containing materials shall be conducted in a manner that will provide adequate protection.

(ii) Heating cadmium and cadmium-containing materials. Welding, cutting, and other forms of heating of cadmium

or cadmium-containing materials shall be conducted in accordance with the requirements of WAC 296-155-415 and 296-155-420, where applicable.

(c) Prohibitions.

(i) High speed abrasive disc saws and similar abrasive power equipment shall not be used for work on cadmium or cadmium-containing materials unless they are equipped with appropriate engineering controls to minimize emissions, if the exposure levels are above the PEL.

(ii) Materials containing cadmium shall not be applied by spray methods, if exposures are above the PEL, unless employees are protected with supplied-air respirators with full facepiece, hood, helmet, suit, operated in positive pressure mode and measures are instituted to limit overspray and prevent contamination of adjacent areas.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(ii) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(iii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(iv) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

(e) Compliance program.

(i) Where employee exposure to cadmium exceeds the PEL and the employer is required under (a) of this subsection to implement controls to comply with the PEL, prior to the commencement of the job the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the employer shall include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(ii) Written compliance programs shall be reviewed and updated as often and as promptly as necessary to reflect significant changes in the employer's compliance status or significant changes in the lowest air cadmium level that is technologically feasible.

(iii) A competent person shall review the comprehensive compliance program initially and after each change.

(iv) Written compliance programs shall be provided upon request for examination and copying to the director, or authorized representatives, affected employees, and designated employee representatives.

(7) Respirator protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this section. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls when employee exposures exceed the PEL.

(ii) Maintenance and repair activities, and brief or intermittent operations, for which employee exposures exceed the PEL and engineering and work-practice controls are not feasible or are not required.

(iii) Work operations in regulated areas specified in subsection (5) of this section.

(iv) Work operations for which the employer has implemented all feasible engineering and work-practice controls, and such controls are not sufficient to reduce exposures to or below the PEL.

(v) Emergencies.

(vi) Work operations for which an employee, who is exposed to cadmium at or above the action level, requests a respirator.

(vii) Work operations for which engineering controls are not required under (a)(ii) of this subsection to reduce employee exposures that exceed the PEL.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and WAC 296-62-07150 through WAC 296-62-07156).

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by subsection (12)(f)(ii) of this section to determine if the employee can use a respirator while performing the required duties.

(iii) No employees must use a respirator when, based on their recent medical examination, the examining physician determines that the employee will be unable to continue to function normally while using a respirator. If the physician determines the employee must be limited in, or removed from, their current job because of the employee's inability to use a respirator, the job limitation or removal must be conducted as required by (k) and (l) of this subsection.

(c) Respirator selection.

(i) The employer must select the appropriate respirator from Table 1 of this section.

Table 1

Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
50 x or less	A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half-mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half-mask operated in the continuous flow mode.
250 x or less	A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.
1000 x or less	A supplied-air respirator with half-mask or full facepiece operated in the pressure demand or other positive pressure mode.
>1000 x or unknown concentrations	A self-contained breathing apparatus with a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.
Fire fighting	A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

Note: ^a Concentrations expressed as multiple of the PEL.
^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL (10 x 5 µg/m³ = 50 µg/m³). A full facepiece respirator is required when eye irritation is experienced.
^c HEPA means High Efficiency Particulate Air.
^d Fit testing, qualitative or quantitative, is required.
 Source: Respiratory Decision Logic, NIOSH, 1987.

(ii) The employer shall provide a powered, air-purifying respirator (PAPR) instead of a negative-pressure respirator when an employee entitled to a respirator chooses to use this

Table 1

Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half-mask, air-purifying respirator equipped with a HEPA ^c filter. ^d
25 x or less	A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.

PERMANENT

type of respirator and such a respirator will provide adequate protection to the employee.

(8) Emergency situations. The employer shall develop and implement a written plan for dealing with emergency situations involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

(9) Protective work clothing and equipment

(a) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, head coverings, and boots or foot coverings; and

(iii) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-155-215.

(b) Removal and storage.

(i) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with subsection (10)(a) of this section.

(ii) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium-contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(iii) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(iv) The employer shall assure that containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance or disposal shall bear labels in accordance with subsection (13)(c) of this section.

(c) Cleaning, replacement, and disposal.

(i) The employer shall provide the protective clothing and equipment required by (a) of this subsection in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this subsection to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(ii) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are

detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(iii) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(iv) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in subsection (3) of this section.

(v) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium, and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

(10) Hygiene areas and practices.

(a) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-155-140.

(b) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(c) Showers and handwashing facilities.

(i) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL shower during the end of the work shift.

(ii) The employer shall assure that employees who are exposed to cadmium above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(d) Lunchroom facilities.

(i) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 $\mu\text{g}/\text{m}^3$.

(ii) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

(11) Housekeeping.

(a) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(b) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(c) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(d) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(e) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(f) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(g) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with subsection (13)(b) of this section.

(12) Medical surveillance.

(a) General.

(i) Scope.

(A) Currently exposed—The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level and all employees who perform the following tasks, operations, or jobs: Electrical grounding with cadmium-welding; cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints; electrical work using cadmium-coated conduit; use of cadmium containing paints; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys; fusing of reinforced steel by cadmium welding; maintaining or retrofitting cadmium-coated equipment; and, wrecking and demolition where cadmium is present. A medical surveillance program will not be required if the employer demonstrates that the employee:

(I) Is not currently exposed by the employer to airborne concentrations of cadmium at or above the action level on 30 or more days per year (twelve consecutive months); and

(II) Is not currently exposed by the employer in those tasks on 30 or more days per year (twelve consecutive months).

(B) Previously exposed—The employer shall also institute a medical surveillance program for all employees who might previously have been exposed to cadmium by the employer prior to the effective date of this section in tasks specified under (a)(i)(A) of this subsection, unless the employer demonstrates that the employee did not in the years prior to the effective date of this section work in those tasks for the employer with exposure to cadmium for an aggregate total of more than 12 months.

(ii) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in (f) of this subsection.

(iii) The employer shall assure that all medical examinations and procedures required by this section are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-07441, Appendix A, the regulatory text of this section, the protocol for sample handling and lab selection in WAC 296-62-07451, Appendix F, and the questionnaire of WAC 296-62-07447, Appendix D.

(iv) The employer shall provide the medical surveillance required by this section, including multiple physician review under (m) of this subsection without cost to employees, and

at a time and place that is reasonable and convenient to employees.

(v) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is performed in laboratories with demonstrated proficiency to perform the particular analysis. (See WAC 296-62-07451, Appendix F.)

(b) Initial examination.

(i) For employees covered by medical surveillance under (a)(i) of this subsection, the employer shall provide an initial medical examination. The examination shall be provided to those employees within 30 days after initial assignment to a job with exposure to cadmium or no later than 90 days after the effective date of this section, whichever date is later.

(ii) The initial medical examination shall include:

(A) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(B) Biological monitoring that includes the following tests:

(I) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(II) Beta-2 microglobulin in urine (B₂-M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, Appendix F; and

(III) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(iii) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of (c) and (d) of this subsection.

(c) Actions triggered by initial biological monitoring.

(i) If the results of the biological monitoring tests in the initial examination show the employee's CdU level to be at or below 3 µg/g Cr, B₂-M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then:

(A) For employees who are subject to medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in (d)(i) of this subsection; and

(B) For employees who are subject to medical surveillance under (a)(i)(B) of this subsection because of prior but not current exposure, the employer shall provide biological monitoring for CdU, B₂-M, and CdB one year after the initial

biological monitoring and then the employer shall comply with the requirements of (d)(vi) of this subsection.

(ii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of B₂-M to be in excess of 300 µg/g Cr, or the level of CdB to be in excess of 5 µg/lwb, the employer shall:

(A) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(I) Reassess the employee's work practices and personal hygiene;

(II) Reevaluate the employee's respirator use, if any, and the respirator program;

(III) Review the hygiene facilities;

(IV) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(V) Assess the employee's smoking history and status;

(B) Within 30 days after the exposure reassessment, specified in (c)(ii)(A) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium; and

(C) Within 90 days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(I) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a semiannual basis; and

(II) Provide annual medical examinations in accordance with (d)(ii) of this subsection.

(iii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 µg/g Cr, or the level of CdB to be in excess of 15 µg/lwb, or the level of B₂-M to be in excess of 1,500 µg/g Cr, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 µg/g Cr; or CdB exceeds 15 µg/lwb; or B₂-M exceeds 1500 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the sec-

ond set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(iv) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (c)(iii) of this subsection, whenever the results of initial biological monitoring tests show the employee's CdU level to be in excess of 7 µg/g Cr, or B₂-M level to be in excess of 750 µg/g Cr, or CdB level to be in excess of 10 µg/lwb, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or B₂-M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(d) Periodic medical surveillance.

(i) For each employee who is covered by medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examina-

tion shall be provided within one year after the initial examination required by (b) of this subsection and thereafter at least biennially. Biological sampling shall be provided at least annually either as part of a periodic medical examination or separately as periodic biological monitoring.

(ii) The periodic medical examination shall include:

(A) A detailed medical and work history, or update thereof, with emphasis on: Past, present, and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; and as part of the medical and work history, for employees who wear respirators, questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(C) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest x-ray (after the initial x-ray, the frequency of chest x-rays is to be determined by the examining physician);

(D) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(E) Biological monitoring, as required in (b)(ii)(B) of this subsection;

(F) Blood analysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including blood urea nitrogen, complete blood count, and serum creatinine;

(G) Urinalysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including the determination of albumin, glucose, and total and low molecular weight proteins;

(H) For males over 40 years old, prostate palpation, or other at least as effective diagnostic test(s); and

(I) Any additional tests or procedures deemed appropriate by the examining physician.

(iii) Periodic biological monitoring shall be provided in accordance with (b)(ii)(B) of this subsection.

(iv) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the employee's CdU, B₂-M, or CdB to be in excess of the levels specified in (c)(ii) and (iii) of this subsection; or, beginning on January 1, 1999, in excess of the levels specified in (c)(ii) or (iv) of this subsection, the employer shall take the appropriate actions specified in (c)(ii) through (iv) of this subsection, respectively.

(v) For previously exposed employees under (a)(i)(B) of this subsection:

(A) If the employee's levels of CdU did not exceed 3 µg/g Cr, CdB did not exceed 5 µg/lwb, and B₂-M did not exceed 300 µg/g Cr in the initial biological monitoring tests, and if the results of the follow-up biological monitoring required by (c)(i)(B) of this subsection one year after the initial examination confirm the previous results, the employer

may discontinue all periodic medical surveillance for that employee.

(B) If the initial biological monitoring results for CdU, CdB, or B₂-M were in excess of the levels specified in (c)(i) of this subsection, but subsequent biological monitoring results required by (c)(ii) through (iv) of this subsection show that the employee's CdU levels no longer exceed 3 µg/g Cr, CdB levels no longer exceed 5 µg/lwb, and B₂-M levels no longer exceed 300 µg/g Cr, the employer shall provide biological monitoring for CdU, CdB, and B₂-M one year after these most recent biological monitoring results. If the results of the follow-up biological monitoring specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(C) However, if the results of the follow-up tests specified in (d)(v)(A) or (B) of this subsection indicate that the level of the employee's CdU, B₂-M, or CdB exceeds these same levels, the employer is required to provide annual medical examinations in accordance with the provisions of (d)(ii) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(vi) A routine, biennial medical examination is not required to be provided in accordance with (c)(i) and (d) of this subsection if adequate medical records show that the employee has been examined in accordance with the requirements of (d)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(e) Actions triggered by medical examinations. If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under (b), (c), or (d) of this subsection, the employer shall take the following steps and continue to take them until the physician determines that they are no longer necessary.

(i) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; the maintenance and effectiveness of the relevant engineering controls; and take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium.

(ii) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity until the results are normal or the employee is medically removed; and

(iii) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(f) Examination for respirator use.

PERMANENT

(i) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (f)(i)(A) through (D) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than 90 days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding 12 months that satisfies the requirements of this section.

(A) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculo-skeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A blood pressure test;

(C) Biological monitoring of the employee's levels of CdU, CdB and B₂-M in accordance with the requirements of (b)(ii)(B) of this subsection, unless such results already have been obtained within the twelve months; and

(D) Any other test or procedure that the examining physician deems appropriate.

(ii) After reviewing all the information obtained from the medical examination required in (f)(i) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(iii) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with (d)(ii) of this subsection to determine the employee's fitness to wear a respirator.

(iv) Where the results of the examination required under (f)(i), (ii), or (iii) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(g) Emergency examinations.

(i) In addition to the medical surveillance required in (b) through (f) of this subsection, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(ii) The examination shall include the requirements of (d)(ii), of this subsection, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as identified in Appendix A, WAC 296-62-07441 (2)(b)(i) and (ii) and (4).

(h) Termination of employment examination.

(i) At termination of employment, the employer shall provide a medical examination in accordance with (d)(ii) of this subsection, including a chest x-ray where necessary, to any employee to whom at any prior time the employer was required to provide medical surveillance under (a)(i) or (g) of this subsection. However, if the last examination satisfied the requirements of (d)(ii) of this subsection and was less than six

months prior to the date of termination, no further examination is required unless otherwise specified in (c) or (e) of this subsection;

(ii) In addition, if the employer has discontinued all periodic medical surveillance under (d)(v) of this subsection, no termination of employment medical examination is required.

(i) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and appendices;

(ii) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;

(iii) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;

(iv) A description of any personal protective equipment, including respirators, used or to be used by the employee, including when and for how long the employee has used that equipment; and

(v) Relevant results of previous biological monitoring and medical examinations.

(j) Physician's written medical opinion.

(i) The employer shall promptly obtain a written, signed, medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(A) The physician's diagnosis for the employee;

(B) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(C) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(D) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(E) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(ii) The employer shall promptly obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under (b) and (d) of this subsection, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(iii) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(k) Medical removal protection (MRP).

(i) General.

(A) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under (c), (d), or (f) of this subsection and on each occasion that a physician

determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(B) The employer shall medically remove an employee in accordance with (k) of this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(C) Whenever an employee is medically removed under (k) of this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in subsection (12) of this section as soon as one becomes available.

(D) For any employee who is medically removed under the provisions of (k)(i) of this subsection, the employer shall provide follow-up medical examinations semiannually until, in a written medical opinion, the examining physician determines that either the employee may be returned to his/her former job status or the employee must be permanently removed from excess cadmium exposure.

(E) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(ii) Where an employee is found unfit to wear a respirator under (f)(ii) of this subsection, the employer shall remove the employee from work where exposure to cadmium is above the PEL.

(iii) Where removal is based upon any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(iv) Except as specified in (k)(v) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or B₂-M exceeded the trigger levels in (c) or (d) of this subsection may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB fall to or below 5 µg/lwb, and B₂-M fall to or below 300 µg/g Cr.

(v) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter and until such time as the employee's biological monitoring results have decreased to levels where he/she could have been returned to his/her former job status, the returned employee shall continue medical surveillance as if he/she were still on medical removal. Until such time, the employee is no longer subject to mandatory medical removal. Subsequent questions regarding the employee's medical

removal shall be decided solely by a final medical determination.

(vi) Where an employer, although not required by this section to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under (l) of this subsection as would have been provided had the removal been required under (k) of this subsection.

(l) Medical removal protection benefits.

(i) The employer shall provide medical removal protection benefits to an employee for up to a maximum of 18 months each time, and while the employee is temporarily medically removed under (k) of this subsection.

(ii) For purposes of this section, the requirement that the employer provide medical removal protection benefits means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status, as if the employee had not been removed from the employee's job or otherwise medically limited.

(iii) Where, after 18 months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section in order to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(B) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any, should be taken to protect the employee's health.

(iv) The employer may condition the provision of medical removal protection benefits upon the employee's participation in medical surveillance provided in accordance with this section.

(m) Multiple physician review.

(i) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(A) Review any findings, determinations, or recommendations of the initial physician; and

(B) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, multiple physician review upon the employee doing the following within fifteen (15) days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(A) Informing the employer that he or she intends to seek a medical opinion; and

(B) Initiating steps to make an appointment with a second physician.

(iii) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(iv) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(A) Review any findings, determinations, or recommendations of the other two physicians; and

(B) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(v) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement that is consistent with the recommendations of at least one of the other two physicians.

(n) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by (m) of this subsection, so long as the alternative is expeditious and at least as protective of the employee.

(o) Information the employer must provide the employee.

(i) The employer shall provide a copy of the physician's written medical opinion to the examined employee within five working days after receipt thereof.

(ii) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within five working days after receipt thereof.

(iii) Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under (i) of this subsection.

(p) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by occupational exposure to cadmium associated with employment as specified in Chapter (V)(E) of the Bureau of Labor Statistics Recordkeeping Guidelines for Occupational Injuries and Illnesses.

(13) Communication of cadmium hazards to employees

(a) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(b) Warning signs.

(i) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(ii) Warning signs required by (b)(i) of this subsection shall bear the following information:

Danger, Cadmium, Cancer Hazard, Can Cause Lung and Kidney Disease, Authorized Personnel Only, Respirators
Required in This Area

(iii) The employer shall assure that signs required by this section are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(c) Warning labels.

(i) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (c)(ii) of this subsection.

(ii) The warning labels shall include at least the following information:

Danger, Contains Cadmium, Cancer Hazard, Avoid Creating Dust, Can Cause Lung and Kidney Disease

(iii) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(d) Employee information and training.

(i) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(ii) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(iii) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(A) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, Appendix A;

(B) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(C) The engineering controls and work practices associated with the employee's job assignment;

(D) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(E) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(F) The purpose and a description of the medical surveillance program required by subsection (12) of this section;

(G) The contents of this section and its appendices; and
 (H) The employee's rights of access to records under chapter 296-62 WAC, Part B.

(iv) Additional access to information and training program and materials.

(A) The employer shall make a copy of this section and its appendices readily available to all affected employees and shall provide a copy without cost if requested.

(B) Upon request, the employer shall provide to the director or authorized representative, all materials relating to the employee information and the training program.

(e) Multi-employer workplace. In a multi-employer workplace, an employer who produces, uses, or stores cadmium in a manner that may expose employees of other employers to cadmium shall notify those employers of the potential hazard in accordance with WAC ((296-62-05409)) 296-800-170 of the chemical hazard communication program standard.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and keep an accurate record of all air monitoring for cadmium in the workplace.

(ii) This record shall include at least the following information:

(A) The monitoring date, shift, duration, air volume, and results in terms of an 8-hour TWA of each sample taken, and if cadmium is not detected, the detection level;

(B) The name, Social Security number, and job classification of all employees monitored and of all other employees whose exposures the monitoring result is intended to represent, including, where applicable, a description of how it was determined that the employee's monitoring result could be taken to represent other employee's exposures;

(C) A description of the sampling and analytical methods used and evidence of their accuracy;

(D) The type of respiratory protective device, if any, worn by the monitored employee and by any other employee whose exposure the monitoring result is intended to represent;

(E) A notation of any other conditions that might have affected the monitoring results;

(F) Any exposure monitoring or objective data that were used and the levels.

(iii) The employer shall maintain this record for at least thirty (30) years, in accordance with WAC 296-62-05207.

(iv) The employer shall also provide a copy of the results of an employee's air monitoring prescribed in subsection (4) of this section to an industry trade association and to the employee's union, if any, or, if either of such associations or unions do not exist, to another comparable organization that is competent to maintain such records and is reasonably accessible to employers and employees in the industry.

(b) Objective data for exemption from requirement for initial monitoring.

(i) For purposes of this section, objective data are information demonstrating that a particular product or material containing cadmium or a specific process, operation, or activity involving cadmium cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from

an industry-wide study or from laboratory product test results from manufacturers of cadmium-containing products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(ii) The employer shall maintain the record for at least 30 years of the objective data relied upon.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee covered by medical surveillance under (a)(i) of this subsection.

(ii) The record shall include at least the following information about the employee:

(A) Name, Social Security number, and description of duties;

(B) A copy of the physician's written opinions and of the explanation sheets for biological monitoring results;

(C) A copy of the medical history, and the results of any physical examination and all test results that are required to be provided by this section, including biological tests, x-rays, pulmonary function tests, etc., or that have been obtained to further evaluate any condition that might be related to cadmium exposure;

(D) The employee's medical symptoms that might be related to exposure to cadmium; and

(E) A copy of the information provided to the physician as required by subsection (12)(i) of this section.

(iii) The employer shall assure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with WAC 296-62-05207.

(iv) At the employee's request, the employer shall promptly provide a copy of the employee's medical record, or update as appropriate, to a medical doctor or a union specified by the employee.

(d) Training. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification records shall be prepared at the completion of training and shall be maintained on file for one (1) year beyond the date of training of that employee.

(e) Availability.

(i) Except as otherwise provided for in this section, access to all records required to be maintained by (a) through (d) of this subsection shall be in accordance with the provisions of WAC 296-62-052.

(ii) Within 15 days after a request, the employer shall make an employee's medical records required to be kept by (c) of this subsection available for examination and copying to the subject employee, to designated representatives, to anyone having the specific written consent of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

(f) Transfer of records. Whenever an employer ceases to do business and there is no successor employer or designated organization to receive and retain records for the prescribed

period, the employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to cadmium.

(b) Observation procedures. When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with that clothing and equipment and shall assure that the observer uses such clothing and equipment and complies with all other applicable safety and health procedures.

(16) Appendices.

(a) Compliance with the fit testing requirements in WAC 296-62-07201 through 296-62-07248, Appendices A-1, A-2 and A-3 of chapter 296-62 WAC, Part E, are mandatory.

(b) Except where portions of WAC 296-62-07441, 296-62-07443, 296-62-07447, 296-62-07449, and 296-62-07451, Appendices A, B, D, E, and F, respectively, to this section are expressly incorporated in requirements of this section, these appendices are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

AMENDATORY SECTION (Amending Order 93-07, filed 10/29/93, effective 12/10/93)

WAC 296-155-17609 Exposure assessment. (1) General.

(a) Each employer who has a workplace or operation covered by this standard shall initially determine if any employee may be exposed to lead at or above the action level.

(b) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(c) With the exception of monitoring under subsection (3) of this section, where monitoring is required by this standard, the employer shall collect personal samples representative of a full shift including at least one sample for each job classification in each work area either for each shift or for the shift with the highest exposure level.

(d) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(2) Protection of employees during assessment of exposure.

(a) With respect to the lead related tasks listed in this subdivision, where lead is present, until the employer performs an employee exposure assessment as required in this section and documents that the employee performing any of the listed tasks is not exposed above the PEL, the employer shall treat the employee as if the employee were exposed above the PEL, and not in excess of ten (10) times the PEL, and shall implement employee protective measures prescribed in subdivision (e) of this subsection. The tasks covered by this requirement are:

(i) Where lead containing coatings or paint are present: Manual demolition of structures (e.g. dry wall), manual

scraping, manual sanding, heat gun applications, and power tool cleaning with dust collection systems;

(ii) Spray painting with lead paint.

(b) In addition, with regard to tasks not listed in subdivision (a), where the employer has any reason to believe that an employee performing the task may be exposed to lead in excess of the PEL, until the employer performs an employee exposure assessment as required by this section and documents that the employee's lead exposure is not above the PEL the employer shall treat the employee as if the employee were exposed above the PEL and shall implement employee protective measures as prescribed in subdivision (e) of this subsection.

(c) With respect to the tasks listed in this subdivision, where lead is present, until the employer performs an employee exposure assessment as required in this section, and documents that the employee performing any of the listed tasks is not exposed in excess of 500 $\mu\text{g}/\text{m}^3$, the employer shall treat the employee as if the employee were exposed to lead in excess of 500 $\mu\text{g}/\text{m}^3$ and shall implement employee protective measures as prescribed in subdivision (e) of this subsection. Where the employer does establish that the employee is exposed to levels of lead below 500 $\mu\text{g}/\text{m}^3$, the employer may provide the exposed employee with the appropriate respirator prescribed for such use at such lower exposures, in accordance with Table 1 of WAC 296-155-17613. The tasks covered by this requirement are:

(i) Using lead containing mortar; lead burning;

(ii) Where lead containing coatings or paint are present: Rivet busting; power tool cleaning without dust collection systems; cleanup activities where dry expendable abrasives are used; and abrasive blasting enclosure movement and removal.

(d) With respect to the tasks listed in this subdivision, where lead is present, until the employer performs an employee exposure assessment as required in this section and documents that the employee performing any of the listed tasks is not exposed to lead in excess of 2,500 $\mu\text{g}/\text{m}^3$ (50xPEL), the employer shall treat the employee as if the employee were exposed to lead in excess of 2,500 $\mu\text{g}/\text{m}^3$ and shall implement employee protective measures as prescribed in (e) of this subsection. Where the employer does establish that the employee is exposed to levels of lead below 2,500 $\mu\text{g}/\text{m}^3$, the employer may provide the exposed employee with the appropriate respirator prescribed for use at such lower exposures, in accordance with Table I of this WAC 296-155-17613. Protection described in this section is required where lead containing coatings or paint are present on structures when performing:

(i) Abrasive blasting;

(ii) Welding;

(iii) Cutting; and

(iv) Torch burning.

(e) Until the employer performs an employee exposure assessment as required by this section and determines actual employee exposure, the employer shall provide to employees performing the tasks described in (a) through (d) of this subsection with interim protection as follows:

(i) Appropriate respiratory protection in accordance with WAC 296-155-17613.

(ii) Appropriate personal protective clothing and equipment in accordance with WAC 296-155-17615.

(iii) Change areas in accordance with WAC 296-155-17619(2).

(iv) Hand washing facilities in accordance with WAC 296-155-17619(5).

(v) Biological monitoring in accordance with WAC 296-155-17621 (1)(a), to consist of blood sampling and analysis for lead and zinc protoporphyrin levels, and

(vi) Training as required by WAC 296-155-17625 (1)(a) regarding (~~Part C of chapter 296-62 WAC,~~) WAC 296-800-170, Chemical hazard communication; training as required by WAC 296-155-17625 (2)(c), regarding use of respirators; and training in accordance with WAC 296-155-100.

(3) Basis of initial determination.

(a) Except as provided by (c) and (d) of this subsection the employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(i) Any information, observations, or calculations which would indicate employee exposure to lead;

(ii) Any previous measurements of airborne lead; and

(iii) Any employee complaints of symptoms which may be attributable to exposure to lead.

(b) Monitoring for the initial determination where performed may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(c) Where the employer has previously monitored for lead exposures, and the data were obtained within the past 12 months during work operations conducted under workplace conditions closely resembling the processes, type of material, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of subdivision (a) of this subsection and subsection (5) of this section if the sampling and analytical methods meet the accuracy and confidence levels of subsection (9) of this section.

(d) Where the employer has objective data, demonstrating that a particular product or material containing lead or a specific process, operation or activity involving lead cannot result in employee exposure to lead at or above the action level during processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(i) The employer shall establish and maintain an accurate record documenting the nature and relevancy of objective data as specified in WAC 296-155-17629(4), where used in assessing employee exposure in lieu of exposure monitoring.

(ii) Objective data, as described in subdivision (d) of this subsection, is not permitted to be used for exposure assessment in connection with subsection (2) of this section.

(4) Positive initial determination and initial monitoring.

(a) Where a determination conducted under subsections (1), (2) and (3) of this section shows the possibility of any

employee exposure at or above the action level the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(b) Where the employer has previously monitored for lead exposure, and the data were obtained within the past 12 months during work operations conducted under workplace conditions closely resembling the processes, type of material, control methods, work practices, and environmental conditions used and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a) of this subsection if the sampling and analytical methods meet the accuracy and confidence levels of subsection (9) of this section.

(5) Negative initial determination. Where a determination, conducted under subsections (1), (2), and (3) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level the employer shall make a written record of such determination. The record shall include at least the information specified in subsection (3)(a) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(6) Frequency.

(a) If the initial determination reveals employee exposure to be below the action level further exposure determination need not be repeated except as otherwise provided in subsection (7) of this section.

(b) If the initial determination or subsequent determination reveals employee exposure to be at or above the action level but at or below the PEL the employer shall perform monitoring in accordance with this section at least every 6 months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subsection (7) of this section.

(c) If the initial determination reveals that employee exposure is above the PEL the employer shall perform monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are at or below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in subdivision (b) of this subsection, except as otherwise provided in subsection (7) of this section. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least 7 days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subsection (7) of this section.

(7) Additional exposure assessments. Whenever there has been a change of equipment, process, control, personnel or a new task has been initiated that may result in additional employees being exposed to lead at or above the action level or may result in employees already exposed at or above the action level being exposed above the PEL, the employer shall conduct additional monitoring in accordance with this section.

(8) Employee notification.

(a) Within 5 working days after completion of the exposure assessment the employer shall notify each employee in writing of the results which represent that employee's exposure.

(b) Whenever the results indicate that the representative employee exposure, without regard to respirators, is at or above the PEL the employer shall include in the written notice a statement that the employee's exposure was at or above that level and a description of the corrective action taken or to be taken to reduce exposure to below that level.

(9) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of 95%) of not less than plus or minus 25 percent for airborne concentrations of lead equal to or greater than 30 µg/m³.

AMENDATORY SECTION (Amending Order 93-07, filed 10/29/93, effective 12/10/93)

WAC 296-155-17615 Protective work clothing and equipment. (1) Provision and use. Where an employee is exposed to lead above the PEL without regard to the use of respirators, where employees are exposed to lead compounds which may cause skin or eye irritation (e.g., lead arsenate, lead azide), and as protection for employees performing tasks as specified in WAC 296-155-17609(2), the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments such as, but not limited to:

- (a) Coveralls or similar full-body work clothing;
- (b) Gloves, hats, and shoes or disposable shoe coverlets; and
- (c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC ((296-24-078)) 296-800-160.

(2) Cleaning and replacement.

(a) The employer shall provide the protective clothing required in subsection (1) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 µg/m³ of lead as an 8-hour TWA.

(b) The employer shall provide for the cleaning, laundering, and disposal of protective clothing and equipment required by subsection (1) of this section.

(c) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(d) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change areas provided for that purpose as prescribed in WAC 296-155-17619(2).

(e) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change area which prevents dispersion of lead outside the container.

(f) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(g) The employer shall assure that the containers of contaminated protective clothing and equipment required by subsection (e) of this subsection are labeled as follows:

Caution: Clothing contaminated with lead. Do not remove dust by blowing or shaking. Dispose of lead contaminated wash water in accordance with applicable local, state, or federal regulations.

(h) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-155-180 Hazard communication. General.

The employer shall develop and maintain a **chemical hazard communication program** as required by ((chapter 296-62 WAC, Part C)) **WAC 296-800-170**, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-200 General requirements. (1) Application.

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed.

(2) Construction personnel shall comply with plant or job safety practices and procedures, peculiar to particular industries and plants, relating to protective equipment and procedures when engaged in construction work in such plants or job sites.

(3) The employer is responsible for requiring the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions or where this part indicates a need for using such equipment to reduce the hazards to the employees.

(4) Where there is a danger of contact with moving parts of machinery, or the work process is such that a hazard exists:

(a) The clothing of employees shall fit closely about the body.

(b) Dangling neck wear, bracelets, wristwatches, rings, or similar articles shall not be worn by employees.

(5) Employees, whose duties are performed in areas and under circumstances where they are exposed to the danger of moving vehicles, shall wear work vests of highly visible materials, or equivalent distinguishing apparel.

(6) Employers shall ensure that employees wear no less than a short sleeved shirt, long pants, and shoes. Employees shall wear no less than a short sleeved shirt, long pants, and shoes. Shoes shall meet the requirements of WAC 296-155-212.

Note: For additional personal protective and life saving equipment requirements, refer to ((the general safety and health standards, WAC 296-24-075 through 296-24-092)) WAC 296-800-160.

AMENDATORY SECTION (Amending WSR 95-17-036, filed 8/9/95, effective 9/25/95)

WAC 296-155-20301 Definitions. Confined space means a space that:

- (1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and
- (2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(3) Is not designed for continuous employee occupancy.

"Corrosives" means substances which in contact with living tissue cause destruction of the tissue by chemical action.

"Hazardous atmosphere" means an atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:

- (1) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL);
- (2) Airborne combustible dust at a concentration that meets or exceeds its LFL;

Note: This concentration may be approximated as a condition in which the dust obscures vision at a distance of five feet (1.52m) or less.

(3) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;

(4) Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in chapter 296-62 WAC, general occupational health standards, and which could result in employee exposure in excess of its dose or permissible exposure limit;

Note: An atmospheric concentration of any substance that is not capable of causing death, incapacitation, impairment of ability to self-rescue, injury, or acute illness due to its health effects is not covered by this provision.

(5) Any other atmospheric condition that is immediately dangerous to life or health.

Note: For air contaminants for which WISHA has not determined a dose or permissible exposure limit, other sources of information, such as material safety data sheets that comply with the Chemical Hazard Communication Standard, ((chapter

296-62 WAC, Part C)) WAC 296-800-170, published information, and internal documents can provide guidance in establishing acceptable atmospheric conditions.

"Irritants" means substances which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

"Oxygen deficient atmospheres" means atmospheres at sea level having less than 19.5% oxygen by volume or having a partial pressure of 148 millimeters of mercury or less. This may deviate when working at higher altitudes and should be determined for an individual location. Factors such as acclimatization, physical condition of persons involved, etc., must be considered for such circumstances and conditions. (See chapter 296-62 WAC, Part M, permit-required confined spaces.)

"Toxicants" means substances which have the inherent capacity to produce personal injury or illness to persons by absorption through any body surface.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-260 Fire protection. (1) General requirements.

(a) The employer shall be responsible for development of a fire protection program to be followed throughout all phases of construction and demolition work, and the employer shall provide for fire fighting equipment as specified in this part. As fire hazards occur, there shall be no delay in providing necessary equipment.

(b) Access to all available fire fighting equipment shall be maintained at all times.

(c) All fire fighting equipment, provided by the employer, shall be conspicuously located.

(d) All fire fighting equipment shall be periodically inspected by a competent person, and maintained in operating condition. Defective equipment shall be immediately replaced.

(e) As warranted by the project, the employer shall provide a trained and equipped fire fighting organization (fire brigade) to assure adequate protection to life.

(2) Water supply.

(a) A temporary or permanent water supply, of sufficient volume, duration, and pressure, required to properly operate fire fighting equipment shall be made available as soon as combustible materials accumulate.

(b) Where underground water mains are to be provided, they shall be installed, completed, and made available for use as soon as practicable.

(3) Portable fire fighting equipment.

(a) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of a combustible building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed a horizontal distance of 100 feet.

Note: One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(b) A 1/2-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be

substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(c) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, where combustibles are present, at least one fire extinguisher shall be located adjacent to a stairway.

(d) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(e) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of

flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.

(f) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(g) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A-1981 and ~~((the general safety and health standards, chapter 296-24 WAC, Part G-3))~~ WAC 296-800-300.

(h) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this part. (See Table D-1)

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	 STANDARD PUMP OPERATED	 CARTRIDGE OPERATED	 WATER PUMP TYPE	 WATER AERATED			SODIUM OR POTASSIUM BICARBONATE		MULTI-PURPOSE AEC	
							 CARTRIDGE OPERATED	 STORED PRESSURE	 STORED PRESSURE	 CARTRIDGE OPERATED
CLASS A FIRES WOOD, PAPER, RUBBER, GLASS, OIL DRUMS, PLASTICS	YES	YES	YES	YES	YES	NO <small>(IF WELL CONTROLLED FROM A SAFE DISTANCE)</small>	NO <small>(IF WELL CONTROLLED FROM A SAFE DISTANCE)</small>	NO <small>(IF WELL CONTROLLED FROM A SAFE DISTANCE)</small>	YES	YES
CLASS B FIRES LIQUID FUELS, OILS, GREASES, GASOLINE, PAINTS, SOLVENTS, ETC.	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHODS OF OPERATION	FULL PULL, NON-TRIP LEVER	TURN TOP/UP/SHOULDER AND PUMP	PUMP HANDLE	TURN TOPSIDE DOWN	TURN TOPSIDE DOWN	FULL PULL, SHAKING, PUMP	PULL LEVER, CARTRIDGE (NO PUMP)	FULL PULL, SHAKING, HANDLE	FULL PULL, SHAKING, HANDLE	PULL LEVER, CARTRIDGE (NO PUMP)
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE MONTHLY	WATER GAS CARTRIDGE AIR/WATER REQUALED PERIODICALLY	RECHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY RECHARGE	DISCHARGE ANNUALLY RECHARGE	WATER SEAL ANNUALLY	WATER SEAL CHECK CARTRIDGE CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GUAGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GUAGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WATER SEAL CHECK CARTRIDGE CONDITION OF DRY CHEMICAL ANNUALLY

Note: One hundred feet, or less, of 1-1/2 inch hose, with a nozzle capable of discharging water at 25 gallons or more per minute, may be substituted for a fire extinguisher rated not more than 2A in the designated area provided that the hose line can reach all points in the area.

(i) If fire hose connections are not compatible with local fire fighting equipment, the contractor shall provide adapters, or equivalent, to permit connections.

(j) During demolition involving combustible materials, charged hose lines, supplied by hydrants, water tank trucks with pumps, or equivalent, shall be made available.

(4) Fixed fire fighting equipment.

(a) Sprinkler protection.

(i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons.

Note: Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(b) Standpipes. In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

PERMANENT

(5) Fire alarm devices.

(a) An alarm system, e.g., telephone system, siren, etc., shall be established by the employer whereby employees on the site and the local fire department can be alerted for an emergency.

(b) The alarm code and reporting instructions shall be conspicuously posted at phones and at employee entrances.

(6) Fire cutoffs.

(a) Fire walls and exit stairways, required for the completed buildings, shall be given construction priority. Fire doors, with automatic closing devices, shall be hung on openings as soon as practical.

(b) Fire cutoffs shall be retained in buildings undergoing alterations or demolition until operations necessitate their removal.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-407 Protective clothing. (1) General requirements. Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of chapter 296-24 WAC, ~~((Part A-2 and))~~ Part I and WAC 296-800-160. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) Specified protective clothing. Protective means which may be employed are as follows:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, or other suitable material may also be desirable as protection against radiated heat and sparks.

(c) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

Note: For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(e) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(f) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(g) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

AMENDATORY SECTION (Amending Order 74-19, filed 5/6/74)

WAC 296-301-010 Textiles—Application requirements. (1) Application. The requirements of this chapter for textile safety apply to the design, installation, processes, operation, and maintenance of textile machinery, equipment, and other plant facilities in all plants engaged in the manufacture and processing of textiles, except those processes used exclusively in the manufacture of synthetic fibers.

(2) These standards shall be augmented by the Washington state general safety and health standards, and any other regulations of general application which are or will be made applicable to all industries.

(3) The provisions of this chapter shall prevail in the event of conflict with or duplication of, provisions contained in chapter 296-24 WAC, the general safety and health standards ~~((and)),~~ chapter 296-62 WAC, the general occupational health standards, and chapter 296-800 WAC, the safety and health core rule book.

(4) WAC ~~((296-24-006 through))~~ 296-24-012 ~~((of the general safety and health standards,))~~ and 296-800-360 shall apply where applicable to this industry.

AMENDATORY SECTION (Amending WSR 99-17-094 and 99-22-093, filed 8/17/99 and 11/2/99, effective 1/1/00)

WAC 296-301-020 General safety requirements. (1) Means of stopping machines. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) Handles. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) Machine guarding. An employer must ensure that power transmission parts are guarded according to the requirements of WAC 296-24-205 through 296-24-20527.

(4) Housekeeping. Aisles and working spaces shall be kept in good order in accordance with requirements of WAC 296-24-735 through 296-24-73505 and WAC 296-800-220.

(5) Inspection and maintenance. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) Lighting and illumination. Lighting and illumination shall conform to ~~((the general occupational health standards, chapter 296-62))~~ the safety and health core rule book, WAC 296-800-210.

(7) Identification of piping systems. Identification of piping systems shall conform to American National Standard A13.1-1956.

PERMANENT

(8) Identification of physical hazards. Identification of physical hazards shall be in accordance with the requirements of WAC 296-24-135 through 296-24-13503, of the general safety and health standards.

(9) Steam pipes. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or guarded with equivalent protection.

AMENDATORY SECTION (Amending WSR 99-17-094, filed 8/17/99, effective 12/1/99)

WAC 296-301-220 Personal protective equipment.

(1) Personal protective equipment. Workers engaged in handling acids or caustics in bulk, repairing pipe lines containing acids or caustics, etc., shall be provided with personal protective equipment to conform to the requirements of WAC ((296-24-07501 and 296-24-07801)) 296-800-160.

(2) Respiratory protection. Employers must provide respiratory protection as required in chapter 296-62 WAC, Part E.

AMENDATORY SECTION (Amending WSR 00-01-038, filed 12/7/99, effective 2/1/00)

WAC 296-301-215 First aid. The first-aid provisions of ((chapter 296-24 WAC, Part A-1 of the general safety and health standards,)) the safety and health core rule book, WAC 296-800-150 apply within the scope of chapter 296-301 WAC.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-010 Bakery equipment—General requirements. (1) Application. The requirements of this chapter shall apply to the design, installation, operation and maintenance of machinery and equipment used within a bakery.

(2) These standards shall be augmented by the Washington state general safety and health standards, and any other regulations of general application which are or will be made applicable to all industries.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 ((and)), 296-62, and 296-800 WAC.

(4) WAC ((296-24-006 through)) 296-24-012 ((of the general safety and health standards, chapter 296-24 WAC)) and 296-800-360, shall apply where applicable to this industry.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02501 General requirements for flour-handling. (1) Wherever any of the various pieces of apparatus comprising a flour-handling system are run in elec-

trical unity with one another the following safeguards shall apply:

(a) Each apparatus shall be safeguarded by a disconnecting means for the motor circuits as required by National Electrical Code - 1971 edition.

(b) Wherever a flour-handling system is of such size that the beginning of its operation is far remote from its final delivery end, all electric motors operating each apparatus comprising this system shall be controlled at each of two points, one located at each remote end, either of which will stop all motors.

(c) Motor control switches shall be capable of being locked in the open position.

(d) Control circuits for magnetic controllers shall be so arranged that the opening of any one of several limit switches, which may be on an individual unit, will serve to de-energize all of the motors of that unit.

(2) Removable covers on all flour-handling equipment shall be so designed that the lifting effort shall not be more than 50 pounds.

(3) Wherever flour-handling systems are of large construction, suitable walkways or platforms or both shall be constructed around and over bins and apparatus, in accordance with the applicable requirements of the general safety and health standard((s)), chapter 296-24 WAC and safety and health core rules, chapter 296-800 WAC.

(a) All walkway surfaces shall be maintained in nonslip condition.

(b) Elevated walkways shall have railings and toeboards in compliance with applicable requirements of the general safety and health standard((s)), chapter 296-24 WAC and safety and health core rules, chapter 296-800 WAC.

(c) All ladders leading to upper walkways shall be in accordance with the applicable requirements of the general safety and health standard((s)), chapter 296-24 WAC and safety and health core rules, chapter 296-800 WAC.

(d) Wherever walkways are near the ceiling construction of the building, where obstruction to head room is lower than normal standing height, methods shall be provided to warn any occupant of the walkway. This should be done by means of "tell tales" or other suitable means located ahead of the obstruction. Suitable signs shall also be placed on walkways warning occupants of possible danger.

(4) All oscillating and vibrating sifters shall be protected with guard rails in compliance with applicable requirements of the general safety and health standard((s)), chapter 296-24 WAC and safety and health core rules, chapter 296-800 WAC.

(5) All mechanical transmission shafting, gearing, and sprocket drives shall be completely guarded, preferably with dust-tight housing. Lubrication fittings shall extend to the outside of the guard.

(6) All guards shall be readily removable.

(7) All flour-handling equipment, each individual unit or the entire system collectively, shall be so constructed that all interior or exterior protruding corners are of a rounded nature.

(8) When Class II hazardous conditions prevail, electric motors, motor controllers, and switches shall be of the type

approved for such locations in accordance with the requirements of the National Electrical Code - 1971 edition.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-050 Miscellaneous equipment. (1)

Proof boxes. All door locks shall be operable both from within and outside the box. Guide rails shall be installed to center the rack as it enters, passes through, and leaves the proof box.

(2) Fermentation room. Fermentation room doors shall have nonshatterable wire glass or plastic panels for vision through doors.

(3) Troughs. Troughs shall be mounted on antifriction bearing casters thus making it possible for the operator to move and direct the motion of the trough with a minimum of effort.

(4) Hand trucks.

(a) Casters shall be set back from corners to be out of the way of toes and heels, but not far enough back to cause the truck to be unstable.

(b) A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(5) Lift trucks. A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(6) Racks.

(a) Sharp splintered or rough corners and edges shall be eliminated.

(b) Racks shall be equipped with handles so located with reference to the frame of the rack that no part of the operator's hands extends beyond the outer edge of the frame when holding onto the handles.

(c) Antifriction bearing casters shall be used to give the operator better control of the rack.

(d) End guards shall be used at shelf levels on proofing racks.

(7) Conveyors.

(a) Wherever a conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent broken chains or other material from falling in the passageway or work area.

(b) Stop bumpers shall be installed on all delivery ends of conveyors, wherever manual removal of the product carried is practiced.

(c) All conveyors shall have stop buttons at all operating stations. In addition, emergency stop bars or switches shall be installed at any machine infeed location fed by the conveyor where pinch points exist.

(8) Overhead rail systems.

(a) Handles for operating devices for trolley switches which hang less than 6 feet 8 inches from the floor shall be of pliable material.

(b) Floor scales. Nonshatterable transparent material shall be used to cover dials.

(9) Dough chutes. The entrance to the chute shall be guarded so as to protect the employee from falling into chute,

stepping into chute, or tripping over too low an edge of the chute.

(10) Skids.

(a) All sharp corners or edges shall be eliminated on all metal skids.

(b) All edges and corners shall be protected on skids to prevent exposed splinters.

(11) Ingredient premixers, (~~emulsifiers~~) emulsifiers, etc.

(a) All top openings shall be provided with covers attached to the machines. These covers should be so arranged and interlocked that power will be shutoff whenever the cover is opened to a point where the operator's fingers might come in contact with the beaters.

(b) Portable electrical agitators for ingredient premixers shall have the attachment cord so wired that the agitator will be grounded whenever it is connected to a source of power.

(12) Chain tackle.

(a) All chain tackle shall be marked prominently, permanently, and legibly with maximum load capacity.

(b) All chain tackle shall be marked permanently, and legibly with minimum support specification.

(c) Safety hooks shall be used.

(13) Trough hoists, etc.

(a) All hoists shall be marked prominently, permanently, and legibly with maximum load capacity.

(b) All hoists shall be marked permanently and legibly with minimum support specifications.

(c) Safety catches shall be provided for the chain so that the chain will hold the load in any position.

(d) Safety hooks shall be used.

(14) Air-conditioning units.

(a) All sharp corners and edges shall be eliminated.

(b) On large units with doors to chambers large enough to be entered, all door locks shall be operable from both inside and outside.

(15) Pan washing tanks.

(a) Counter-balanced hinged covers, or sliding covers, shall be provided.

(b) The surface of the floor of the working platform shall be maintained in nonslip condition.

(c) Working platforms shall be kept at least 32 inches below the top of the tank or guardrail.

(d) All electrical sockets in pan washing rooms shall be nonmetallic and keyless and other electrical equipment shall be moisture proof.

(e) Power ventilated exhaust hoods shall be provided over the tanks.

(16) Pan washing machines. Sharp corners and edges shall be eliminated.

(17) Cake depositors. All pinch points shall be eliminated, guarded, or shielded so that hands and arms cannot reach these pinch points while the machine is in operation.

(18) Icing machines. All pinch points shall be eliminated, or provided with guards or shields so hands and arms cannot reach these pinch points while the machine is in operation.

(19) Bread coolers, conveyor type.

(a) All pinch points shall be eliminated or guarded.

(b) Stop bumpers on all delivery ends of conveyors shall be installed wherever manual removal of the product carried is practiced.

(20) Bread coolers, rack type.

(a) Guardrails shall be installed to the center rack as it enters and leaves the cooler.

(b) All door locks shall be operable from both within and outside the cooler.

(21) Bread and cake boxes, trays, etc.

(a) Sharp corners and edges shall be eliminated on metal parts.

(b) All wooden corners and edges shall be protected to prevent splinters.

(22) Doughnut machines. Separate flues shall be provided, (a) for venting vapors from the frying section, and (b) for venting products of combustion from the combustion chamber used to heat the fat.

(23) Open fat kettles.

(a) The floor around kettles shall be maintained in non-slip condition.

(b) Fire extinguishing devices suitable for Class-B fires shall be provided. See ~~((general safety and health standards,))~~ WAC ~~((296-24-590))~~ 296-800-300, fire extinguishers.

(c) Goggles or face shields shall be provided to prevent injuries from hot fat splashes.

(d) The top of the kettle shall be not less than 36 inches above floor or working level.

(24) Steam kettles.

(a) Positive locking devices shall be provided to hold kettles in the desired position.

(b) Kettles with steam jackets shall be provided with safety valves in accordance with the ASME Pressure Vessel Code, section VIII, Unfired Pressure Vessels, 1968.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-060 Biscuit and cracker equipment.

(1) Meal, peanut, and fig grinders.

(a) If the hopper is removable it shall be provided with an electric interlock so that the machine cannot be put in operation when the hopper is removed.

(b) Where grid guards cannot be used, feed conveyors to hoppers, or baffle-type hoppers, shall be provided. Hoppers in such cases shall be enclosed and provided with hinged covers, and equipped with electric interlock to prevent operation of the machine with the cover open.

(2) Sugar and spice pulverizers.

(a) All drive belts used in connection with sugar and spice pulverizers shall be grounded by means of metal combs or other effective means of removing static electricity. All pulverizing of sugar or spice grinding shall be done in accordance with NFPA 62-1967 (Standard for Dust Hazards of Sugar and Cocoa), NFPA 656-1959 (Standard for Dust Hazards in Spice Grinding Plants).

(b) Magnetic separators shall be provided to reduce fire and explosion hazards.

(3) Cheese, fruit, and food cutters. These machines shall be protected in accordance with the requirements of (1) of this section.

(4) Jam, icing, and marshmallow beaters of horizontal tub type. All top openings shall be provided with covers attached to the machines.

(5) Reversible dough brakes. Reversible brakes shall be provided with a guard or tripping mechanism on each side of the rolls. These guards shall be so arranged as to stop the machine or reverse the direction of the rolls so that they are outrunning if the guard is moved by contact of the operator.

(6) Cross-roll brakes. Cross-roll brakes shall be provided with guards that are similar in number and equal in effectiveness to guards on hand-fed brakes.

(7) Box- and roll-type dough sheeters.

(a) Sheetting rolls shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip point.

(b) Hoppers for sheeters shall have an automatic stop bar or automatic stopping device along the back edge of the hopper. If construction does not permit location at the back edge, the automatic stop bar or automatic stopping device shall be located where it will be most effective to accomplish the desired protection.

(8) Cutting and panning, embossing, peeling, bar, and frutana machines.

(a) Roll stands, other than hand fed, shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip points.

(b) Guards shall be provided at each side of the cutter to prevent hands from getting under the cutter.

(c) Reciprocating panner heads shall be guarded to protect the operator from being caught between moving and stationary parts.

(d) Motor control buttons shall be located within view of the cutting head.

(9) Rotary, die machines, pretzel rolling, and pretzel-stick extruding machines. Dough hoppers shall have the entire opening protected with grid-type guards to prevent the employee from getting his hands caught in moving parts, or the hopper shall be extended high enough so that the operator's hands cannot get into moving parts.

(10) Band ovens. Band ovens shall be so arranged, or guarded, that the operator cannot get caught at the nip point between the band and the drive pulley or the takeup pulley, or between the oven conveyor and the oven frame.

(11) Wafer-cutting machines. These machines shall be so guarded that it will be impossible for employee's fingers or hands to come in contact with the saws or knives while feeding the machine.

(12) Pan cooling towers.

(a) Where pan cooling towers extend to two or more floors, a lockout switch shall be provided on each floor in order that mechanics working on the tower may positively lock the mechanism against starting. Only one start switch shall be used in the motor control circuit.

(b) All unused sides of pan cooling tower conveyors shall be enclosed or effectively guarded to a height of 7 feet above each floor.

(c) Wherever a pan cooling tower conveyor passes through a floor, the opening shall be protected by a standard railing and toeboard as defined by the general safety and health standard((s)), chapter 296-24 WAC and safety and

health core rules, chapter 296-800 WAC, or by other equivalent protection.

(d) Wherever a pan conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent pans, broken chains, or other material from falling in the aisleway, work area or passageway.

(e) Sprocket wheels of pan conveyors shall be enclosed so that accidental contact cannot be made at the point where the chain comes in contact with the sprocket.

(f) Wherever conveyor bars, flights, and attachments pass in opposite directions within 6 inches of each other, a sheet metal partition or screen with openings no larger than one-half inch shall be placed between the conveyor chains which run in opposite directions.

(13) Chocolate melting, refining, and mixing kettles. Each kettle shall be provided with a cover to enclose the top of the kettle. The bottom outlet of each kettle shall be of such size and shape that the operator cannot reach in to touch the revolving paddle or come in contact with the shear point between the paddle and the side of the kettle.

(14) Caddie, cover, and box stitchers (wire stitchers). A guard shall be mounted on the stitching head to prevent operators from getting fingers caught between the stitching head and the clincher block.

(15) Carton-wrapping and bundling machines. The end seal drums on carton and bundling machines shall be provided with guards.

(16) Carton and lining feeding machines. Cutting knives shall be provided with a hinged hood to cover the knives. These guards shall be electrically interlocked to stop the machine if they are removed.

(17) Peanut cooling trucks. Mechanically operated peanut cooling trucks shall have a grid-type cover over the entire top.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06513 Oil-burning equipment. (1) The storage and distribution of fuel oil in bakeries shall be arranged according to reference NFPA 31-1968 Standard for Installation of Oil Burning Equipment.

(2) Oil burners shall be of a type approved by Underwriters' Laboratories, Inc. (See WAC ~~((296-24-006, of the general safety and health standards))~~ 296-800-360, using standards from outside organizations.)

(a) Each oil burner shall be equipped with an electric ignition or gas pilot.

(b) Oil burners shall be protected against flame failure and overflowing of oil by a quick-acting combustion safeguard operated by the main burner flame. The time interval between flame failure and fuel shutoff shall be short enough to prevent a dangerous accumulation of an explosive mixture or the entry of a dangerous amount of fuel oil into the heating system; with the exception that on ovens requiring 150,000 b.t.u. per hour or less any combustion safeguard listed by the Underwriters Laboratories, Inc., may be used. (See WAC 296-24-006, of the general safety and health standards.)

(c) The shutting off of the fuel supply shall be accomplished by stopping the individual burner pump equipped with a pressure cutoff valve, or by closing a suitable valve.

(d) Oil-fired ovens shall have dampers so arranged that a small amount of air is passed through the furnace at all times.

(e) Oil burners capable of being withdrawn from the furnace (for adjustment, etc.) shall be provided with an interlock which will prevent the burner from starting when in the withdrawn position.

(f) Preheating of oil, where necessary, shall be done by steam, hot water, or electric heater, and shall be thermostatically controlled. Heaters shall be substantially constructed with all joints made oil tight. Thermometers shall be installed at accessible locations to indicate the temperature of the heated oil. Heaters shall be bypassed or provided with means to prevent abnormal pressure.

(g) Oil burners equipped with mechanical means for supplying air shall have an interlock between the air pressure and the oil supply so that the burner cannot operate unless air for proper combustion is available.

(3) High-pressure atomizing oil burners shall be provided with a pressure cutoff valve between the pump and the nozzle.

(4) Air atomizing burners equipped with maximum-minimum or modulating controls, and which are arranged to have the ignition turned off after initial lighting has been accomplished, shall be equipped with a quick-acting flame safeguard directly actuated by the main flame of the burner.

(5) Mechanical atomizing burners of the rotary type shall be operated on the on-off principle and shall be equipped with safeguards actuated by the main flame.

(6) Evaporator-type burners shall be installed in such a way that provision is made to open the draft damper before oil can be admitted to the burners.

(7) Burners supplied by "vapofiers" shall be equipped with a protected gas or electric pilot. In combination vapofier-gas heating systems, the burner shall be protected in accordance with the requirements of WAC 296-302-06509.

AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-01001 General industrial safety standards. (1) General. These standards shall be augmented by the Washington state general safety and health standards, and any other regulations of general application which are or will be made applicable to all industries.

(2) Additional requirements. The employer shall comply with the provisions of the standards referenced in this section. In the event of any conflict between this section and WAC 296-303-015 through 296-303-040, the requirements of WAC 296-303-015 through 296-303-040 shall apply. The provisions of this chapter shall prevail in the event of conflict with, or duplication of, provisions contained in chapters 296-24 ~~((and)),~~ 296-62, and 296-800 WAC.

(a) Industrial lighting. American National Standard Practice for Industrial Lighting, ANSI A11.1-1965 (R-1970).

(b) Floor and wall openings, railings, and toeboards. American National Standard Safety Requirements for Floor

and Wall Openings, Railings, and Toeboards, ANSI A13.1-1956.

(c) Identification of piping systems. American National Standard Safety Standard for Mechanical Power Transmission Apparatus, ANSI A13.1-1956.

(d) Mechanical power transmission apparatus. American National Standard Safety Standard for Mechanical Power Transmission Apparatus, ANSI B15.1-1971.

(e) Pressure piping—Power piping. American National Standard Code for Pressure Piping—Power Piping, ANSI B31.1.0-1967. Addenda to the American National Standard Code for Pressure Piping—Power Piping, ANSI B31.1.0a-1969.

(f) Sanitation. American National Standard Requirements for Sanitation in Places of Employment, ANSI Z4.1-1968.

(g) Local exhaust systems. American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1960.

(h) Gas appliances and gas piping. American National Standard for the Installation of Gas Appliances and Gas Piping, ANSI Z21.30-1964.

(3) WAC ((~~296-24-006 through~~)) 296-24-012 ((~~of the general safety and health standards, chapter 296-24 WAC,~~)) and 296-800-360 shall apply where applicable to this industry.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-010 Scope and application. (1) The provisions and standards of the general safety and health standards, chapters 296-24 ((~~and~~)), 296-62 and 296-800 WAC, and such other codes and standards as are promulgated by the department of labor and industries which are applicable to all industries, shall be applicable in the ship repairing, shipbuilding, or shipbreaking industries whenever the employees are covered under the Washington State Industrial Safety and Health Act, chapter 49.17 RCW. The rules of this chapter and the rules of the aforementioned chapters 296-24 ((~~and~~)), 296-62, and 296-800 WAC are applicable to all ship repairing, shipbuilding, and shipbreaking industries and operations, provided that such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(2) The responsibility for compliance with these regulations is placed upon "employers" as defined in WAC 296-304-01001.

(3) It is not the intent of these regulations to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(4) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

AMENDATORY SECTION (Amending WSR 98-02-006, filed 12/26/97, effective 3/1/98)

WAC 296-304-06013 Health and sanitation. "Hazardous material" - A material with one or more of the following characteristics:

- Has a flash point below 140°F, closed cup, or is subject to spontaneous heating;
- Has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.3 for fumes, and below 25 m.p.p.c.f. in case of a dust;
- Has a single dose oral LD50 below 500 mg./kg.;
- Is subject to polymerization with the release of large amounts of energy;
- Is a strong oxidizing or reducing agent;
- Causes first degree burns to skin in short time exposure, or is systematically toxic by skin contact; or
- In the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes that have one or more of the above characteristics.

(1) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material may be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(2) In order to ascertain the hazards, as required by subsection (1) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(a) The name, address, and telephone number of the source of the information specified in this section preferably those of the manufacturer of the product or material.

(b) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(c) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(d) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(e) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70°F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(f) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flashpoint, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(g) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture as appropriate, effects of overexposure; and emergency and first aid procedures.

(h) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(i) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(j) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(k) Special precautionary information about handling and storing.

(l) Any other general precautionary information.

(3) The pertinent information required by subsection (2) of this section shall be recorded either on United States Department of Labor Form LSB 00S-4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the department of labor and industries. Copies of Form LSB 00S-4 may be obtained at any of the following regional offices of the occupational safety and health administration:

(a) Pacific region. (Arizona, California, Hawaii, and Nevada.)

10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102.

(b) Region X, OSHA, (Alaska, Washington, Idaho, and Oregon), Federal Office Building, 909 First Avenue, Seattle, Washington 98174.

A completed MSDS form shall be preserved and available for inspection for each hazardous chemical on the work-site.

(4) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(5) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under subsection (1) of this section and those hazards for which specific precautions are required in WAC 296-304-020 through 296-304-04013.

(6) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(7) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation or where shiprepairing, shipbuilding, or shipbreaking operations produce atmospheric contamination.

(8) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a

vessel are not subject to contamination by drainage or waste from overboard discharges.

(9) Requirements of (~~chapter 296-62 WAC, Part C~~) WAC 296-800-170, Chemical hazard communication program, will apply to shiprepairing, shipbuilding, and shipbreaking when potential hazards of chemicals and communicating information concerning hazards and appropriate protective equipment is applicable to an operation.

AMENDATORY SECTION (Amending WSR 99-05-080, filed 2/17/99, effective 6/1/99)

WAC 296-305-01003 Scope and application. (1) The rules of this chapter shall apply with respect to any and all activities, operations and equipment of employers and employees involved in providing fire protection services which are subject to the provisions of the Washington Industrial Safety and Health Act of 1973 (chapter 49.17 RCW).

(2) The provisions of this chapter apply to all fire fighters and their work places, including the fire combat scene. Although enforcement of applicable standards will result from provable violations of these standards at the fire combat scene, agents of the department will not act in any manner that will reduce or interfere with the effectiveness of the emergency response of a fire fighting unit. Activities directly related to the combating of a fire will not be subjected to the immediate restraint provisions of RCW 49.17.130.

(3) In the development of this document many consensus standards of the industry were considered and evaluated as to adaptability to the Washington state fire service industry. Where adaptable and meaningful, the fire fighter safety elements of these standards were incorporated into this WAC. Chapter 296-305 WAC, shall be considered as the fire fighter safety standards for the state of Washington.

(4) The provisions of this chapter cover existing requirements that apply to all fire departments. All fire departments shall have in place their own policy statement and operating instructions that meet or exceed these requirements. This chapter contains state and/or federal performance criteria that fire departments shall meet.

(5) Unless specifically stated otherwise by rule, if a duplication of regulations, or a conflict exists between the rules regulating wildland fire fighting and other rules in the chapter, only the rules regulating wildland fire fighting shall apply to wildland fire fighting activities and equipment.

(6) The provisions of this chapter shall be supplemented by the provisions of the general safety and health standards of the department of labor and industries, chapters 296-24 (including Part G-2, Fire protection) (~~and~~), 296-62 and 296-800 WAC. In the event of conflict between any provision(s) of this chapter and any provision(s) of the general safety and health standards, the provision(s) of this chapter shall apply.

(7) The provisions of this standard do not apply to industrial fire brigades, as defined in this chapter. Industrial fire brigades are covered under the provisions of chapter 296-24 WAC, Part G-2, Fire protection.

AMENDATORY SECTION (Amending WSR 99-05-080, filed 2/17/99, effective 6/1/99)

WAC 296-305-01005 Definitions. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

Accident: An unexpected event that interrupts or interferes with the orderly progress of the fire department operations and may or may not include personal injury or property damage.

Accountability system: A system of fire fighter accountability that provides for the tracking and inventory of all members.

ACGIH: American Conference of Governmental Industrial Hygienists.

Aerial ladder: A ladder mounted on top of an apparatus, hydraulic or pneumatic controlled.

Aerial tower: Telescopic elevating platform or water tower assembly usually with a ladder on top of the section.

Aerial platform: A device consisting of two or more booms or sections with a passenger carrying platform assembly.

ANSI: American National Standards Institute.

Apparatus: A mobile piece of fire equipment such as a pumper, aerial, tender, automobile, etc.

Approved:

(1) A method, equipment, procedure, practice, tool, etc., which is sanctioned, consented to, confirmed or accepted as good or satisfactory for a particular purpose or use by a person, or organization authorized to make such a judgment.

(2) Means approved by the director of the department of labor and industries or his/her authorized representative: Provided, however, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provisions of chapter ((296-24)) 296-800 WAC((Part A-1,)) shall apply.

Audiogram: A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

Authorized person: A person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

Beacon: A flashing or rotating light.

Bloodborne pathogens: Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Blowup (wildfire): Sudden increase in fire intensity or rate of spread sufficient to preclude direct control or to upset existing control plans. Often accompanied by violent convection and may have other characteristics of a fire storm.

Chemical-protective clothing: Items made from chemical-resistive materials, such as clothing, hood, boots, and gloves, that are designed and configured to protect the wearer's torso, head, arms, legs, hands, and feet from hazardous materials. Chemical-protective clothing (garments) can

be constructed as a single, or multi-piece, garment. The garment may completely enclose the wearer either by itself or in combination with the wearer's respiratory protection, attached or detachable hood, gloves, and boots.

Chief: The employer representative highest in rank who is responsible for the fire department's operation.

Combat scene: The site where the suppression of a fire or emergency exists.

Confinement: Those procedures taken to keep a material in a defined or local area.

Confined space: Means a space that:

(1) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(2) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry.); and

(3) Is not designed for continuous employee occupancy.

Containment: The actions taken to keep a material in its container (e.g. stop the release of the material or reduce the amount being released.)

Contaminated: The presence or the reasonably anticipated presence of nuisance materials foreign to the normal atmosphere, blood, hazardous waste, or other potentially infectious materials on an item or surface.

Contaminated laundry: Laundry which has been soiled with blood or other potentially infectious materials or may contain contaminated sharps.

Contamination: The process of transferring a hazardous material from its source to people, animals, the environment, or equipment, which may act as a carrier.

dBA: A measure of noise level expressed as decibels measured on the "A" scale.

Deck pipe: A permanently mounted device which delivers a large stream of water.

Decontamination:

(1) The physical or chemical process of reducing and preventing the spread of contamination from persons or equipment used at a hazardous materials incident.

(2) The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Department: Department of labor and industries.

Director of fire department: The chief or principle administrator of the fire department.

Director: The director of the department of labor and industries, or his/her designated representative.

Disinfection: A procedure which inactivates virtually all recognized pathogenic microorganisms, but not necessarily all microbial forms (example: bacterial endospores) on inanimate objects.

Drill tower: A structure which may or may not be attached to the station and which is principally used for training fire fighters in fire service techniques.

Driver: A person having satisfactorily completed the fire department's "requirements of driver" of a specific piece of fire apparatus.

Emergency: A sudden and unexpected event calling for immediate action.

Emergency incident: A specific emergency operation.

Emergency medical care: The provision of treatment to, and/or transportation of, patients which may include first-aid, cardiopulmonary resuscitation, basic life support, advanced life support, and other medical procedures that occur prior to arrival at a hospital or other health care facility.

Emergency operations: Activities of the fire department relating to rescue, fire suppression, emergency medical care, and special operations, including response to the scene of an incident and all functions performed at the scene.

Employee: An employee of an employer who is employed in the business of his/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is their personal labor for an employer under this chapter whether by way of manual labor or otherwise. Also see "Member."

Employer: Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations.

Employer representative: A fire department officer authorized by the chief or director of the fire department to act in his/her behalf.

Engine (pumper): A piece of apparatus equipped with hose and a pump for the purpose of supplying water under pressure through hose lines.

Engineering control: Any procedure other than an administrative control that reduces exposures by modifying the source or reducing the exposure to an individual. Examples of engineering controls include the use of isolation, containment, encapsulation, sound absorbing materials for noise control, and ventilation.

Explosion proof equipment: Equipment enclosed in a case that is capable of withstanding an explosion or a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

Fastest means available: The (nearest-closest) telephone, portable radio, mobile radio, telephone/radio dispatcher or any other mode of mechanical communication.

Fire apparatus: A fire department emergency vehicle used for rescue, fire suppression, or other specialized functions.

Fire boat: A fire department watercraft having a permanent, affixed fire fighting capability.

Fire combat training: Training received by fire fighters on the drill ground, drill tower, or industrial site to maintain the fire fighter's proficiency.

Fire department: An organization providing any or all of the following: Rescue, fire suppression, and other related activities. For the purposes of this standard the term "Fire Department" shall include any public, private, or military organization engaging in this type of activity.

Fire department facility: Any building or area owned, operated, occupied, or used by a fire department on a routine basis. This does not include locations where a fire department may be summoned to perform emergency operations or other duties, unless such premises are normally under the control of the fire department.

Fire department safety officer: The member of the fire department assigned and authorized as the principal safety officer to perform the duties and responsibilities specified in this standard.

Fire fighter: A member of a fire department whose duties require the performance of essential fire fighting functions or substantially similar functions.

Fire retardant: Any material used to reduce, stop or prevent the flame spread.

Fly: Extendible sections of ground or aerial ladders.

Foot stand, ladder: Devices attached to inside of beams of ladders that when folded down, provide foot space.

Ground jack: Heavy jacks attached to frame of chassis of aerial-equipped apparatus to provide stability when the aerial portion of the apparatus is used.

Ground mobile attack: The activities of wildland fire fighting with hose lines being used by personnel working around a moving engine. See mobile attack.

Guideline: An organizational directive that establishes a standard course of action.

Halyard: Rope used on extension ladders for the purpose of raising or lowering fly section(s). A wire cable may be referred to as a halyard when used on the uppermost fly section(s) of three or four section extension ladders.

Hazard communication program: A procedure to address comprehensively the issue of evaluating the potential hazards of chemicals and communicating information concerning hazards and appropriate protective measures to employees. See ((~~chapter 296-62 WAC, Part C~~)) WAC 296-800-170, Chemical Hazard Communication(s) Program.

Hazardous area: The immediate area where members might be exposed to a hazard.

Hazardous atmosphere: Any atmosphere, either immediately or not immediately dangerous to life or health, which is oxygen deficient or which contains a toxic or disease-producing contaminant.

Hazardous condition: The physical condition or act which is causally related to accident occurrence. The hazardous condition is related directly to both the accident type and the agency of the accident.

Hazardous material: A substance (solid, liquid, or gas) that when released is capable of creating harm to people, the environment, and property.

Hazardous substances: Substances that present an unusual risk to persons due to properties of toxicity, chemical activity, corrosivity, etiological hazards of similar properties.

HEPA filtration: High efficiency particulate air filtration found in vacuum system capable of filtering 0.3 micron particles with 99.97% efficiency.

Hose bed: Portion of fire apparatus where hose is stored.

Hose tower: A vertical enclosure where hose is hung to dry.

Hot zone: Area immediately surrounding a hazardous materials incident, which extends far enough to prevent adverse effects from hazardous materials releases to personnel outside the zone. This zone is also referred to as the exclusion zone or the restricted zone in other documents.

Identify: To select or indicate verbally or in writing using recognized standard terms. To establish the identity of; the fact of being the same as the one described.

IDLH: Immediately dangerous to life and health.

Imminent hazard (danger): An act or condition that is judged to present a danger to persons or property and is so immediate and severe that it requires immediate corrective or preventative action.

Incident commander: The person in overall command of an emergency incident. This person is responsible for the direction and coordination of the response effort.

Incident command system (ICS): A system that includes: Roles, responsibilities, operating requirements, guidelines and procedures for organizing and operating an on-scene management structure.

Incipient (phase) fire: The beginning of a fire; where the oxygen content in the air has not been significantly reduced and the fire is producing minute amounts of water vapor, carbon dioxide, carbon monoxide and other gases; the room has a normal temperature and can be controlled or extinguished with a portable fire extinguisher or small hose, e.g., a kitchen stove fire.

Industrial fire brigade: An organized group of employees whose primary employment is other than fire fighting who are knowledgeable, trained and skilled in specialized operations based on site-specific hazards present at a single commercial facility or facilities under the same management.

Initial stage (initial action): Shall encompass the control efforts taken by resources which are first to arrive at an incident.

Injury: Physical damage suffered by a person that requires treatment by a practitioner of medicine (a physician, nurse, paramedic or EMT) within one year of the incident regardless of whether treatment was actually received.

Interior structural fire fighting: The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. See structural fire fighting.

Life safety or rescue rope: Rope dedicated solely for the purpose of constructing lines for supporting people during rescue, fire fighting, or other emergency operations, or during training evolutions.

Line: Rope when in use.

Live fire training: Any fire set within a structure, tank, pipe, pan, etc., under controlled conditions to facilitate the training of fire fighters under actual fire conditions.

Locking in: The act of securing oneself to a ladder by hooking a leg over a rung and placing top of foot against the other leg or against the ladder.

Manned station: See staffed station.

May: A permissive use or an alternative method to a specified requirement.

Member: A person involved in performing the duties and responsibilities of a fire department under the auspices of the organization. A fire department member may be a full-time or part-time employee or a paid or unpaid volunteer, may occupy any position or rank within the fire department, and engages in emergency operations. Also see Employee.

Mobile attack: The act of fighting wildland fires from a moving engine.

Monitor: A portable appliance that delivers a large stream of water.

Mop up: The act of making a wildfire/wildland fire safe after it is controlled, such as extinguishing or removing burning materials along or near the control line, felling snags, trenching logs to prevent rolling.

NFPA: National Fire Protection Association.

NIIMS: National Interagency Incident Management System.

NIOSH: National Institute of Occupational Safety and Health.

Nondestructive testing: A test to determine the characteristics or properties of a material or substance that does not involve its destruction or deterioration.

Nonskid: The surface treatment that lessens the tendency of a foreign substance to reduce the coefficient of friction between opposing surfaces.

Occupational exposure: Means reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Officer: (1) Person in charge of a particular task or assignment.

(2) A supervisor.

OSHA: Occupational Safety and Health Administration.

Other potentially infectious materials (OPIM): (1) The following body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(3) HIV-containing cell or tissue cultures, organ cultures, and HIV-or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Outrigger: Manually or hydraulically operated metal enclosures and jacks which are extended and placed in contact with the ground to give the apparatus a wide, solid base to support different loads.

Overhauling: That portion of fire extinguishment involving discovery of hidden fires or smoldering material.

PASS: Personal alert safety system.

PEL: Permissible exposure limit.

Personal protective equipment (PPE): (1) The equipment provided to shield or isolate a person from the chemical, physical, and thermal hazards that may be encountered at a hazardous materials incident. Personal protective equipment includes both personal protective clothing and respiratory protection. Adequate personal protective equipment should protect the respiratory system, skin, eyes, face, hands, feet, head, body, and hearing.

(2) Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

Place of employment: Any premises, room or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control. For the purposes of this code, fireground and emergency scenes are also considered places of employment.

Platform: The portion of a telescoping or articulating boom used as a working surface.

Positive communication: Visual, audible, physical, safety guide rope, or electronic means which allows for two way message generation and reception.

PPE: Personal protective equipment.

Prefire training: The training of fire fighters in recognizing sources and locations of potential fires and the method of fire combat to be used.

Probable fatality: (1) An occupational injury or illness, which, by the doctor's prognosis, could lead to death.

(2) An occupational injury or illness, which by its very nature, is considered life threatening.

Protective clothing: Equipment designed to protect the wearer from heat and/or hazardous materials contacting the skin or eyes. Protective clothing is divided into five types:

- (1) Structural fire fighting protective clothing;
- (2) Liquid splash-protective clothing;
- (3) Vapor-protective clothing;
- (4) High temperature-protective proximity clothing; and
- (5) Wildland fire fighting clothing.

Note: See Protective ensemble.

Protective ensemble: Multiple elements of clothing and equipment designed to provide a degree of protection for fire fighters from adverse exposures to the inherent risks of structural fire fighting operations and certain other emergency operations. The elements of the protective ensemble are helmets, coats, trousers, gloves, footwear, interface components (hoods), and if applicable, personal alert system (PASS) devices, and self-contained breathing apparatus.

Proximity protective clothing: Radiant reflective protective garments configured as a coat and trousers, or as a coverall, and interface components that are designed to provide protection for the fire fighter's body from conductive, convective, and radiant heat.

Pumper: See engine.

Qualified: One who by possession of a recognized degree, certificate or professional standing, or who by knowledge, training or experience has successfully demonstrated his/her ability to solve or resolve problems related to the subject matter, the work or the project.

Rapid intervention team (RIT): On-scene team of at least two members designated, dedicated and equipped to effect an immediate rescue operation if the need arises.

RCW: Revised Code of Washington.

Rescue: Those activities directed at locating endangered persons at an emergency incident and removing those persons from danger.

Rescue craft: Any fire department watercraft used for rescue operations.

Respirator: A device designed to protect the wearer from breathing harmful atmospheres. See respiratory protection.

Respiratory equipment: Self-contained breathing apparatus designed to provide the wearer with a supply of respirable atmosphere carried in or generated by the breathing apparatus. When in use, this breathing apparatus requires no intake of air or oxygen from the outside atmosphere.

(1) Respirators (closed circuit): Those types of respirators which retain exhaled air in the system and recondition such air for breathing again.

(2) Respirators (open circuit): Those types of respirators which exhaust exhaled air to the outside of the mask into the ambient air.

(3) Respirators (demand): Those types of respirators whose input air to the mask is started when a negative pressure is generated by inhalation.

(4) Respirators (pressure demand): Those types of respirators which constantly and automatically maintain a positive pressure in the mask by the introduction of air when the positive pressure is lowered (usually from .018 psi to .064 psi) through the process of inhalation or leakage from the mask.

Respiratory protection: Equipment designed to protect the wearer from the inhalation of contaminants. Respiratory protection is divided into three types:

- (1) Positive pressure self-contained breathing apparatus (SCBA);
- (2) Positive pressure airline respirators;
- (3) Negative pressure air purifying respirators.

Responding: The usual reference to the act of responding or traveling to an alarm or request for assistance.

Risk assessment: To set or determine the possibility of suffering harm or loss, and to what extent.

Safe and healthful working environment: The work surroundings of an employee with minimum exposure to unsafe acts and/or unsafe conditions.

Safety officer: Either the fire department safety officer or an assistant safety officer (see fire department safety officer).

Safety net: A rope or nylon strap net not to exceed 6-inch mesh, stretched and suspended above ground level at the base of drill tower, and at such a height that a falling body would be arrested prior to striking the ground.

Scabbard: A guard which will prevent accidental injury and covers the blade and pick of an axe or other sharp instrument when worn by the fire fighter.

SCBA: Self contained breathing apparatus.

Service testing: The regular, periodic inspection and testing of apparatus and equipment according to an established schedule and procedure, to insure that it is in safe and functional operating condition.

Shall: Mandatory.

Should: Recommended.

Signalman: A person so positioned that he/she can direct the driver when the drivers vision is obstructed or obscured.

SOP: Standard operating procedure or guidelines.

Staffed station: A fire station continuously occupied by fire fighters on scheduled work shifts. The staffed station may also serve as headquarters for volunteers.

Standard operating procedure or guidelines: An organizational directive that establishes a standard course of action. See SOP.

Station (fire station): Structure in which fire service apparatus and/or personnel are housed.

Structural fire fighting: The activities of rescuing, fire suppression, and property conservation involving buildings, enclosed structures, vehicles, vessels, or similar properties that are involved in a fire or emergency situation. See interior structural fire fighting.

Structural fire fighting protective clothing: This category of clothing, often called turnout or bunker gear, means the protective clothing normally worn by fire fighters during structural fire fighting operations. It includes a helmet, coat, pants, boots, gloves, and a hood. Structural fire fighters' protective clothing provides limited protection from heat but may not provide adequate protection from the harmful gases, vapors, liquids, or dusts that are encountered during hazardous materials incidents.

Support function: A hazardous chemical operation involving controlled chemical uses or exposures in nonflammable atmospheres with minimum threats in loss of life, personnel injury, or damage to property or to the environment. Functions include decontamination, remedial cleanup of identified chemicals, and training.

Support function protective garment: A chemical-protective suit that meets the requirements of NFPA Standard on Support Function Garments, 1993.

Tail/running board: Standing space on the side or rear of an engine or pumper apparatus.

Team: Two or more individuals who are working together in positive communication with each other through visual, audible, physical, safety guide rope, electronic, or other means to coordinate their activities and who are in close

proximity to each other to provide assistance in case of emergency.

Tillerman: Rear driver of tractor-trailer aerial ladder.

Trench: A narrow excavation made below the surface of the ground. The depth is generally greater than the width, but the width of a trench is not greater than 15 feet.

Turnout clothing: See structural fire fighting protective clothing.

Turntable: The rotating surface located at the base of an aerial ladder, or boom, on aerial apparatus.

Universal precaution: An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Vapor barrier: Material used to prevent or substantially inhibit the transfer of water, corrosive liquids and steam or other hot vapors from the outside of a garment to the wearer's body.

Variance: An allowed or authorized deviation from specific standard(s) when an employer substitutes measures which afford an equal degree of safety. Variances are issued as temporary or permanent with interim measures issued, when requested, until a determination or decision is made.

Vessel: Means every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, including special-purpose floating structures not primarily designed for or used as a means of transportation on water.

WAC: Washington Administrative Code.

Wheel blocks (chocks): A block or wedge placed under a wheel to prevent motion.

Wildfire: An unplanned and unwanted fire requiring suppression action; an uncontrolled fire, usually spreading through vegetative fuels and often threatening structures.

Wildland fire: A fire burning in natural vegetation that requires an individual or crew(s) to expend more than one hour of labor to confine, control and extinguish. Agencies may substitute crews to avoid the one hour bench mark or increase crew size to complete the job in less than one hour. One hour was chosen as the maximum time that individuals should work in high temperatures in structural protective clothing.

Wildland fire fighting enclosure: A fire apparatus enclosure with a minimum of three sides and a bottom.

WISHA: Washington Industrial Safety Health Act.

Work environment: The surrounding conditions, influences or forces to which an employee is exposed while working.

Workplace: See place of employment.

WRD: WISHA regional directive.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-01009 Appeals. Any party authorized to appeal from an action of the department as set forth in RCW 49.17.140(3), may do so by filing a notice of appeal in writ-

ing. The appeal must contain the recommended subject matter, as noted below, by serving a copy of such notice of appeal either in person or by mail upon the assistant director of the Consultation and Compliance Services Division, (7273 Linderson Way, Tumwater, Washington) P.O. Box 44600, Olympia, Washington 98504-4600. The appeal must be sent to the department within fifteen working days of the communication of the notice.

The notice of appeal should contain:

- (1) The name and address of the appealing party and his/her representative if any;
- (2) The place where the alleged safety violation occurred;
- (3) A statement identifying the order, decision or citation appealed from, by report number and date of issuance;
- (4) The grounds upon which the appealing party considers such order, decision, or citation to be unjust or unlawful;
- (5) A statement of facts in support of each ground stated;
- (6) The relief sought, including the specific nature and extent;
- (7) A statement that the person signing the notice of appeal has read it and to the best of his/her knowledge, information and belief there is good ground to support it. A notice of appeal may be signed by the party or by his/her authorized representative.

References:

~~((WAC 296-350-030, Notice of appeal—Filing and service; WAC 296-350-040, Notice of appeal))~~ WAC 296-800-350, Inspections, citations and appeals—Contents RCW 49.17.140(3).

AMENDATORY SECTION (Amending WSR 99-05-080, filed 2/17/99, effective 6/1/99)

WAC 296-305-01509 Management's responsibility.

- (1) It shall be the responsibility of management to establish, supervise, maintain, and enforce, in a manner which is effective in practice:
 - (a) A safe and healthful working environment, as it applies to noncombat conditions or to combat conditions at a fire scene after the fire has been extinguished, as determined by the officer in charge.
 - (b) An accident prevention program as required by this chapter.
 - (c) Programs for training employees in the fundamentals of accident prevention.
 - (d) Procedures to be used by the fire department safety officer and incident commander to ensure that emergency medical care is provided for members on duty.
 - (e) An accident investigation program as required by this chapter.
- (2) The fire department shall be responsible for providing suitable expertise to comply with all testing requirements in this chapter. Such expertise may be secured from within the fire department, from equipment and apparatus manufacturers, or other suitable sources.
- (3) Members who are under the influence of alcohol or drugs shall not participate in any fire department operations

or other functions. This rule does not apply to persons taking prescription drugs as directed by a physician or dentist providing such use does not endanger the worker or others.

(4) Alcoholic beverages shall not be allowed in station houses, except at those times when station houses are used as community centers, with the approval of management.

(5) A bulletin board or posting area exclusively for safety and health and large enough to display the required safety and health posters. The WISHA poster (WISHA form F416-081-000) and other safety education material shall be provided. A bulletin board of "white background" and "green trim" is recommended.

(6) The fire department shall develop and maintain a hazard communication program as required by ~~((chapter 296-62 WAC, Part C))~~ WAC 296-800-170, which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may routinely be exposed to, in the course of their employment.

(7) Personnel.

(a) The employer shall assure that employees who are expected to do interior structural fire fighting are physically capable of performing duties that may be assigned to them during emergencies.

(b) The employer shall not permit employees with known physical limitations reasonably identifiable to the employer, for example, heart disease or seizure disorder, to participate in structural fire fighting emergency activities unless the employee has been released by a physician to participate in such activities.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-01515 First-aid training and certification. (1) All fire fighters except directors of fire departments and the directors' designated personnel, shall have as a minimum first-aid training as evidenced by a current, valid first-aid card, EMT or First Responder certification.

(2) New fire fighters shall have such first-aid training within 90 days of the date of their employment or enroll for training in the next available class for which they are eligible.

(3) First-aid training and certification for other employees and directors of fire departments shall conform to the requirements of ~~((chapter 296-24 WAC, Part A-4))~~ WAC 296-800-150.

(4) Fire service duties include exposure to bloodborne pathogens. The requirements of this section and chapter 296-62 WAC, Part J, Biological Agents, shall apply.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-01517 First-aid kits. (1) To assure the emergency medical care of the fire fighters there shall be present at each emergency incident at least the following items:

- 1 (one) utility scissors, EMT-type
- 1 CPR barrier
- 3 (three) rolls 1 inch adhesive tape
- 6 (six) 4" x 4" sterile, individually wrapped gauze pads

- 4 (four) combination pads, sterile, individually wrapped
- 4 (four) soft roller bandages, assorted size, sterile, individually wrapped cling type
- 2 (two) burn sheets, sterile, individually wrapped
- 2 (two) triangular bandages
- 1 (one) multi-trauma dressing, sterile
- 2 (two) supply disposable gloves
- 2 (two) wire splints or equivalent
- (2) All fire stations shall maintain a first-aid kit. The kit shall contain at least the following items:
 - 6 (six) 4" x 4" sterile, individually wrapped gauze pads
 - 4 (four) combination pads, sterile, individually wrapped
 - 2 (two) rolls 1 inch adhesive tape
 - 4 (four) soft roller bandages, assorted size, sterile, individually wrapped cling type
 - 2 (two) triangular bandages
 - 1 (one) utility scissors, EMT-type
 - 1 (one) pair tweezers
 - 1 (one) package assorted adhesive bandages
- (3) All fire apparatus shall contain a first-aid kit as described in (~~chapter 296-24 WAC, Part A-1~~) WAC 296-800-150.
- (4) All fire departments providing emergency medical services to the public shall conform to the requirements of chapter 18.73 RCW Emergency Care and Transportation Services (and if applicable, chapter 248-17 WAC, Ambulance Rules and Regulations) which require additional first-aid equipment.

Additional references: Chapter (~~294-24~~) 296-800 WAC(~~, Part A-1~~).

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-04511 Elevated platforms. (1) Elevated platform system design requirements:

- (a) The platform shall have a minimum floor area of fourteen square feet.
- (b) The platform shall be provided with a guard railing. The guard railing shall be 42 to 45 inches high on all sides.
- (c) The railing shall be constructed so that there is no opening below it greater than 19 inches.
- (d) There shall be two gates below the top railing, each of which shall be provided with suitable safety latches.
- (e) A kick plate not less than four inches high shall be provided around the floor of the platform.
- (f) Drain openings shall be provided to prevent water accumulation on the platform.
- (g) A heat-protective shield shall be provided on the platform for the protection of the operator.
- (h) Hydraulic or pneumatic systems shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.
- (i) The basic structural elements of the hydraulic or articulating boom shall have a safety factor of three.
- (j) Each hydraulic or pneumatic system for the boom shall be equipped with a pilot operated check valve or other appropriate device to prevent free fall in the event of hydraulic failure.

(2) Requirements related to the controlling of elevated platforms:

(a) A control or device shall be provided at both the lower control station and the platform control station to allow either operator to completely deactivate the platform controls.

(b) During the deactivation of the platform controls, the lower controls shall remain operable.

(c) A plate shall be located at the platform control unit or units listing the following information:

(i) Model and serial number of the manufacturer;

(ii) Rated capacity of the platform;

(iii) Operating pressure of the hydraulic or pneumatic systems or both;

(iv) Caution or restriction of operation or both; and

(v) Control instructions.

(vi) This plate shall be clearly visible to the operator at the lower control position.

(d) There shall be an operator at the lower controls at all times while the fire fighter is in the bucket.

(e) The operator at the lower controls shall make certain the fire fighter on the platform is secured by his life belt, or equivalent, before raising the platform.

(3) Testing of elevated platforms and related apparatus shall be conducted annually.

(a) Testing of elevated platforms and related apparatus shall be in accordance with NFPA, Standard for Testing Fire Department Aerial Ladders 1914, 1991 edition.

(b) It is recommended that the boom section as well as the support section of the apparatus which supports the turntable should be nondestructively tested by a certified testing agency every five years.

(c) After any accident that causes structural damage, testing shall be performed and all defects detected shall be corrected before the apparatus is returned to service.

(d) Elevated platform testing shall follow recommendations of the current National Fire Code.

(e) Fire apparatus elevated platforms shall be positioned for the greatest stability feasible at the fire scene.

(4) A two-way voice communication system shall be installed between the platform and the lower control station.

(5) Automotive apparatus used in conjunction with elevated platforms shall be used in accordance with the following:

(a) Hand or air brakes shall be set before the platform is operated.

(b) Jacks or outriggers shall be used if the platform is to be elevated.

(c) Wheel blocks shall also be used when the platform is in operation unless the type of apparatus is one that has wheels that lift off the ground when the jacks or outriggers are engaged.

(d) Ground plates shall be used under the outriggers or jacks.

(e) Sand shall be put under jacks and outriggers when operating on ice or snow.

(f) When working on or near energized electrical lines, the fire department shall develop operational procedures for observing the following minimum working clearances:

(i) For lines rated 50 kv or below, the minimum clearance shall be ten feet.

(ii) For lines rated over 50 kv, the minimum clearance shall be ten feet plus 0.4 inch for each 1 kv.

(iii) For low voltage lines (operating at 750 volts or less), the work shall be performed in a manner to prevent the fire fighters contacting the energized conductor.

(6) Appliances mounted on elevated platforms. Platform mounted monitors shall be operated in accordance with the manufacturer's instructions.

Additional References: WAC ((296-24-885)) 296-24-880.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-05503 Summary of training requirements. (1) Training on hearing conservation shall conform to chapter 296-62 WAC, Part K, and WAC 296-305-02005.

(2) Training on medical procedures shall conform to WAC 296-305-02501.

(3) Training on respiratory equipment shall conform to chapter 296-62 WAC, Part E, Respiratory protection, and WAC 296-305-04001.

(4) Training on employee right-to-know procedures shall conform to ((chapter 296-62 WAC, Part C)) WAC 296-800-170, chemical hazard communication program.

(5) Training on overhaul procedures and operations shall conform to WAC 296-305-05001.

(6) Training on wildland fires shall conform to WAC 296-305-07001 through 296-305-07019.

(7) Training on confined space entry and/or rescue shall conform to chapter 296-62 WAC, Part M, Permit-required confined spaces and WAC 296-305-05003.

(8) Live fire training in structures shall conform to NFPA 1403 and this section.

(9) The employer shall provide training and education for all members commensurate with those duties and functions that members are expected to perform. Such training and education shall be provided to members before they perform emergency activities. Fire service leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire department.

(10) The employer shall assure that training and education is conducted frequently enough to assure that each member is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger members or other employees. All members shall be provided with training at least annually. In addition, members who are expected to perform interior structural fire fighting shall be provided with an education session or training at least quarterly.

AMENDATORY SECTION (Amending WSR 99-05-080, filed 2/17/99, effective 6/1/99)

WAC 296-305-06005 Ground ladders. This section establishes the minimum requirements for the construction,

care and use of the common types of ladders used in fire combat.

(1) Ladder locks or pawls on extension ladders shall be so fastened or secured to the beams that vibration and use will not cause loosening of bolts and nuts.

(a) Pawls or ladder locks shall be so constructed that the hook portion of the pawl that engages the rung shall have sufficient bearing surface or area to prevent the hook from cutting into rungs when engaged.

(b) Such hooks shall be properly finished to eliminate sharp edges and points.

(2) Staypoles or tormenters shall be furnished on all extension ladders extending over forty feet. Staypole or tormenters spikes shall not project beyond the butt of the ladder when nested.

(3) All ladders shall be stored in a manner to provide ease of access for inspection, and to prevent danger of accident when withdrawing them for use.

(4) Fire fighters shall climb and descend ground ladders with the fly in, for safety purposes, when not in conflict with the manufacturer's recommendations. Even when ladders are routinely used in the fly out configuration, in adverse conditions fire fighters shall be permitted to climb and descend ground ladders with the fly in to assure secure footing.

(5) All ladders regardless of type shall be inspected thoroughly after each use. Records shall be kept of the inspections and repairs.

(6) The following metal ladder components shall be checked:

(a) Rungs for welds, damage or weakness caused by overloading or bumping against other objects, looseness and cracks, etc.

(b) Beams for welds, rivets and bolts, signs of strain or metal fatigue, and deformation from heat or overloading.

(c) Bolts and rivets for tightness.

(d) Butt spurs for excessive wear or other defects.

(e) Halyards for the same defects listed for wood ladder halyards and cable halyards, for fraying or breaking.

(f) Heat sensor label, when provided, for change indicating heat exposure.

(7) The following wood ladder components shall be checked:

(a) Bolts for snugness and tightness without crushing the wood.

(b) Beams for dark streaks; when a wood ground ladder develops dark streaks in the beams, the ladder shall be removed from service and service tested as specified in this chapter, prior to further use.

(c) Protective varnish finish for damage or wear, at least once a month and redone annually or at such frequency as specified by the manufacturer. If the protective finish becomes charred or blistered, the ladder shall be removed from service and service tested as specified in this chapter, prior to further use.

(8) Methods of fastening ladder halyards, either of wire or fibrous material, shall be in a manner that the connection is stronger than the halyard.

(9) Any defect noted in above visual inspection shall be corrected prior to testing.

(10) Every portable ladder shall be tested following the correction of defects disclosed by the visual inspections.

(11) New ground ladders purchased after the effective date of this chapter shall be constructed and certified in accordance with the requirements of NFPA Standard 1931, 1994 edition.

(12) All fireground ladders shall be inspected and maintained in accordance with the requirements of the 1994 edition of NFPA 1932. When metal ground ladders are tested, they shall be tested in accordance with the strength service testing procedures of the 1984 edition of NFPA 1932.

(a) Extension ladders that were constructed prior to the adoption of the 1984 edition of NFPA 1931, may, when tested in accordance with this chapter, be tested with a minimum test load of 400 pounds and a preload of 300 pounds. Ladders tested under this exception shall be used with a maximum load limit of 500 pound distributed or 400 pound concentrated. Ladders shall be tested in the configuration they are used.

(b) Additional requirements for wooden ground ladders; whenever any wood ground ladder has been exposed or is suspected of having been exposed to direct flame contact the ladder shall be service tested as specified in section 5-2 of NFPA Standard 1932, 1984 edition.

Note 1: Hardness testing and eddy current NDE testing is not required in the fire department annual maintenance inspection unless the individual ladder has been subjected to a high heat exposure which could have annealed the metal and diminished the structural integrity. The ladder manufacturer's recommendations should be followed with respect to hardness and eddy current testing.

Note 2: Testing should follow the recommended procedures taught by Washington State Fire Protection Bureau.

Additional references: Chapter 296-24 WAC, Part J-1 and WAC 296-800-290.

AMENDATORY SECTION (Amending WSR 99-05-080, filed 2/17/99, effective 6/1/99)

WAC 296-305-06007 Electrical. (1) Temporary lighting with the use of 110 - 120 VAC equipment.

(a) All lighting equipment shall be provided with heavy duty flexible cords with SO or SJ jackets or equivalent. All lighting equipment shall be used with heavy duty flexible extension cords with 12-3 conductors with SO or SJ jackets or equivalent.

(b) Electrical cords shall have weather tight bodies and caps, 20 amp rated at 120 VAC with appropriately sized plugs and sockets.

(c) Temporary lights that are used in moist, damp, and/or other hazardous locations shall be approved for the purpose.

(d) Temporary lights shall be constructed so that water cannot enter or accumulate in wireways, lampholders or other electrical parts.

(e) Temporary lights that are used in moist and/or other hazardous locations shall have 120 VAC single-phase 15 and/or 20 amp in-line resettable ground fault circuit interrupters.

(f) Temporary lights shall be equipped with a handle and be insulated from heat and possible electrical shock.

(g) Temporary lights shall not be suspended by their electrical cords unless cords and lights are designed and labeled for this means of suspension.

(h) Temporary lights shall be protected by guards of a nonconductive or insulated material to prevent accidental contact with the bulb.

(2) 120 VAC cord reels shall be approved for use in damp or hazardous locations.

(a) Bodies and caps shall be weather tight, 20 amp rated at 120 VAC.

(b) Cords on cord reels that do not exceed 150 feet in length shall be SO or SJ type jackets or equivalent.

(c) Cords that exceed 150 feet in length on reels, shall have 10-3 conductors.

(d) Cord reels that are not permanently mounted on a vehicle shall be insulated from the ground when in use.

(3) Twelve volt portable type hand lanterns shall be constructed of molded composition or other type approved for the purpose.

(a) Portable hand lanterns used in moist and/or other hazardous locations shall be operated at a maximum of 12 volts.

(b) Hand lamps shall be equipped with a handle and a substantial guard over the bulb and attached to the lampholder.

(4) Portable and vehicle-mounted generators.

(a) Portable generators. Under the following conditions, the frame of a portable generator shall not be required to be grounded and shall be permitted to serve as the grounding electrode for a system supplied by the generator:

(i) The generator supplies only equipment mounted on the generator or cord-connected and plug-connected equipment through receptacles mounted on the generator, or both, and

(ii) The noncurrent-carrying metal part of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame.

(b) Vehicle-mounted generators. Under the following conditions, the frame of a vehicle may serve as the grounding electrode for a system supplied by a generator located on the vehicle:

(i) The frame of the generator is bonded to the vehicle frame; and

(ii) The generator supplies only equipment located on the vehicle and/or cord-connected and plug-connected equipment through receptacles mounted on the vehicle or on the generator; and

(iii) The noncurrent-carrying metal parts of equipment and the equipment grounding conductor terminals of the receptacles are bonded to the generator frame.

Additional references: Article 250 National Electrical Code. Chapter 296-24 WAC, Part L and WAC 296-800-280.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-06503 General requirements. (1) Stations and administrative offices shall comply with the requirements of the general occupational health standards, WAC ((296-62-09003)) 296-800-210, Lighting ((and illumination)) in the workplace.

(2) Every new fire station built after the effective date of this chapter, whether manned or unmanned, shall be equipped with an approved emergency lighting system that will light dormitories, hallways, and apparatus bay areas in case of electrical power failure.

(3) No new fire station or new addition to an existing fire station, shall incorporate sliding poles or slides in their design or construction.

(4) The requirements of chapter 296-24 WAC, Part B-2, Window washing, shall be followed when employees are engaged in window washing operations.

(5) All new fire stations and other new fire department facilities which contain sleeping quarters shall be fully protected with automatic sprinkler systems.

(6) All existing fire stations and existing fire department facilities with sleeping quarters, that undergo a major renovation that consists of more than sixty percent of the assessed evaluation of the existing structure shall be fully protected with automatic sprinkler systems.

(7) Eye protection shall be worn when charging, changing or adding fluid to storage batteries. Personnel that will be charging storage batteries shall be qualified to perform this function by the employer. See WAC 296-24-23015.

(8) Stairway tread shall be of a nonskid design. Examples of nonskid: Grip strut grating, serrated edge grating, metal grating, aluminum safety tread, abrasive metal stair tread, or pressure sensitive nonskid type.

(9) In existing facilities where sliding poles or slides are used, the pole or slide hole shall be guarded in such a manner as to prevent anyone from walking directly into the pole or slide hole opening.

(10) To absorb the shock to sliding employees, the bottom of all slide poles or slides shall have a three-foot diameter cushioned rubber mat, or its equivalent.

(11) Nothing shall be stored or placed at the bottom of a pole or slide hole for a radius of three feet from the pole. Doors shall not protrude within three feet of the pole or slide.

(12) Stair and landing protection: Stairways, guardrails, landings, and handrails shall be constructed to the requirements of chapter 19.27 RCW the State Building Code Act, and chapter 296-24 WAC, Part J-1.

(13) A standard guard railing for a landing platform shall include a toeboard, which is a vertical barrier, at floor level erected along exposed edges of a floor opening, wall opening, platform, runway or ramp to prevent falls of material.

(14) Any new facility, or addition, alteration, or repair to an existing facility shall be in compliance with chapter 19.27 RCW, the State Building Code Act.

(15) New stations containing a kitchen, and station kitchens remodeled after the date of this chapter, shall have an alarm activated service disconnect of fixed cooking appliances.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-06511 Indoor air quality. Air quality shall be consistent with WAC 296-62-075 through 296-62-07515, Air contaminants and WAC ((296-62-12000 through

296-62-12009)) 296-800-240, Environmental tobacco smoke ((in office work environments)).

Note: For extended work shifts all eight-hour PEL's shall be time-weighted to adjust for additional worker exposure during extended work shifts.

(1) If indoor air monitoring indicates over-exposure to contaminant PEL's, engineering controls shall be utilized to reduce fire fighter exposure to the lowest feasible level.

(2) All fixed internal combustion equipment such as, but not limited to emergency generators, shall be effectively exhausted to the exterior of the fire stations.

(3) All facilities dedicated to the maintenance and repair of internal combustion equipment shall have means for effective ventilation to the exterior of the building.

(4) All fire stations built after January 1, 1997, shall be designed and constructed to conform to ACGIH ventilation recommended criteria for exhaust of internal combustion engines.

Additional reference: Industrial Ventilation Manual of Recommended Practices ISBN No.: 0-936712-65-1.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-06515 Hose drying towers. (1) The floor openings on hose tower platforms shall be equipped with a forty-two inch guardrail with mid-rail and shall be capable of withstanding a force of 250 pounds applied in any direction at any point on the top rail. The work platform shall be equipped with toeboards.

(2) The requirements for offset ladder platforms and ladder cage guards, when ladders extend beyond twenty feet, shall apply to hose drying towers.

(3) Ropes and attachments used to hoist hose in the hose towers shall have a breaking strength of 1500 pounds for a safe load strength of 300 pounds (five-to-one safety factor).

(4) Approved head protection shall be worn by all persons in the hose tower whenever hose handling/hanging operations are taking place.

(5) Ropes utilizing a pulley block shall be appropriately sized for the sheave to prevent possible jamming or damage to the rope.

Additional reference: Chapter 296-24 WAC, Part J-1 and chapter 296-800 WAC.

WSR 01-11-080
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed May 16, 2001, 8:43 a.m.]

Date of Adoption: May 10, 2001.

Purpose: To more effectively implement the State Environmental Policy Act (SEPA).

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 01-07-088 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: (1) In Section 2.02, four sections that were listed by reference (197-11-158, 355, 721, and 775) were deleted.

(2) Section 2.05 was deleted and the remaining sections renumbered accordingly.

(3) In the "Mitigated DNS" section, subsection (f) was deleted and the remaining subsections renumbered.

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: Thirty-one days after filing.

May 14, 2001

Laurie Halvorson

General Counsel

NEW SECTION

REGULATION I ARTICLE 2: STATE ENVIRONMENTAL POLICY ACT

REGULATION I SECTION 2.01 AUTHORITY

The Agency adopts this regulation under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904. This regulation contains this Agency's SEPA procedures and policies. The SEPA rules must be used in conjunction with this regulation. The SEPA rules mean chapter 197-11 of the Washington Administrative Code (WAC).

NEW SECTION

REGULATION I SECTION 2.02 ADOPTION BY REFERENCE

The Agency adopts the following sections of chapter 197-11 WAC by reference:

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-250 SEPA/Model Toxics Control Act integration.
- 197-11-253 SEPA lead agency for MTCA actions.

- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial actions.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping.
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.
- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.

PERMANENT

197-11-680	Appeals.	197-11-926	Lead agency for governmental proposals.
197-11-700	Definitions.	197-11-928	Lead agency for public and private proposals.
197-11-702	Act.	197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-704	Action.	197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-706	Addendum.	197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-708	Adoption.	197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-710	Affected tribe.	197-11-938	Lead agencies for specific proposals.
197-11-712	Affecting.	197-11-940	Transfer of lead agency status to a state agency.
197-11-714	Agency.	197-11-942	Agreements on lead agency status.
197-11-716	Applicant.	197-11-944	Agreements on division of lead agency duties.
197-11-718	Built environment.	197-11-946	DOE resolution of lead agency disputes.
197-11-720	Categorical exemption.	197-11-948	Assumption of lead agency status.
197-11-722	Consolidated appeal.	197-11-960	Environmental checklist.
197-11-724	Consulted agency.	197-11-965	Adoption notice.
197-11-726	Cost-benefit analysis.	197-11-970	Determination of nonsignificance (DNS).
197-11-728	County/city.	197-11-980	Determination of significance and scoping notice (DS).
197-11-730	Decision maker.	197-11-985	Notice of assumption of lead agency status.
197-11-732	Department.	197-11-990	Notice of action.
197-11-734	Determination of nonsignificance (DNS).		
197-11-736	Determination of significance (DS).		
197-11-738	EIS.		
197-11-740	Environment.		
197-11-742	Environmental checklist.		
197-11-744	Environmental document.		
197-11-746	Environmental review.		
197-11-750	Expanded scoping.		
197-11-752	Impacts.		
197-11-754	Incorporation by reference.		
197-11-756	Lands covered by water.		
197-11-758	Lead agency.		
197-11-760	License.		
197-11-762	Local agency.		
197-11-764	Major action.		
197-11-766	Mitigated DNS.		
197-11-768	Mitigation.		
197-11-770	Natural environment.		
197-11-772	NEPA.		
197-11-774	Nonproject.		
197-11-776	Phased review.		
197-11-778	Preparation.		
197-11-780	Private project.		
197-11-782	Probable.		
197-11-784	Proposal.		
197-11-786	Reasonable alternative.		
197-11-788	Responsible official.		
197-11-790	SEPA.		
197-11-792	Scope.		
197-11-793	Scoping.		
197-11-794	Significant.		
197-11-796	State agency.		
197-11-797	Threshold determination.		
197-11-799	Underlying governmental action.		
197-11-800	Categorical exemptions.		
197-11-880	Emergencies.		
197-11-890	Petitioning DOE to change exemptions.		
197-11-900	Purpose of this part.		
197-11-902	Agency SEPA policies.		
197-11-916	Application to ongoing actions.		
197-11-920	Agencies with environmental expertise.		
197-11-922	Lead agency rules.		
197-11-924	Determining the lead agency.		

NEW SECTION

REGULATION I SECTION 2.03 DESIGNATION OF RESPONSIBLE OFFICIAL

(a) For proposals for which the Agency is the lead agency, the responsible official shall be the Control Officer or Agency employee designated by the Control Officer.

(b) For all proposals for which the Agency is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules adopted by reference in Section 2.02.

(c) The Agency shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.

NEW SECTION

REGULATION I SECTION 2.04 LEAD AGENCY DETERMINATION AND RESPONSIBILITIES

(a) When the Agency receives an application for or initiates a proposal that involves a nonexempt action, the Agency shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940; unless the lead agency has been previously determined or the Agency is aware that another agency is in the process of determining the lead agency. When the Agency is the lead agency for a proposal, the responsible

official shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.

(b) When the Agency is not the lead agency for a proposal, the Agency shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The Agency shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the Agency may conduct supplemental environmental review under WAC 197-11-600.

(c) If the Agency receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the Agency must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the Agency may be initiated by the Control Officer.

(d) The Agency may make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944.

(e) When the Agency makes a lead agency determination for a private project, the Agency shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

NEW SECTION

REGULATION I SECTION 2.05 USE OF EXEMPTIONS

(a) When the Agency receives an application for a permit or, in the case of governmental proposals, the Agency initiates the proposal, the Agency shall determine whether the permit and/or the proposal is exempt. The Agency's determination that a permit or proposal is exempt shall be final and not subject to administrative review. If a permit or proposal is exempt, none of the procedural requirements of this regulation apply to the proposal. The Agency shall not require completion of an environmental checklist for an exempt permit or proposal.

(b) In determining whether or not a proposal is exempt, the Agency shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and non-exempt actions, the Agency shall determine the lead agency, even if the license application that triggers the Agency's consideration is exempt.

(c) If a proposal includes both exempt and nonexempt actions, the Agency may authorize exempt actions prior to compliance with the procedural requirements of this regulation, except that:

(1) The Agency shall not give authorization for:

(A) Any nonexempt action;

(B) Any action that would have an adverse environmental impact; or

(C) Any action that would limit the choice of alternatives.

(2) The Agency may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and

(3) The Agency may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

NEW SECTION

REGULATION I SECTION 2.06 ENVIRONMENTAL CHECKLIST

(a) A completed environmental checklist (or a copy), in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this regulation; except, a checklist is not needed if the Agency and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The Agency shall use the environmental checklist to determine the lead agency and, if the Agency is the lead agency, for determining the responsible official and for making the threshold determination.

(b) For private proposals, the Agency will require the applicant to complete the environmental checklist, providing assistance as necessary. For Agency proposals, the Agency shall complete the environmental checklist. The Agency may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

(1) The Agency has technical information on a question or questions that is unavailable to the private applicant; or

(2) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

NEW SECTION

REGULATION I SECTION 2.07 MITIGATED DNS

(a) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(b) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. "Early notice" means the Agency's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal. The request must:

(1) Follow submission of a complete permit application and environmental checklist for a nonexempt proposal for which the Agency is lead agency; and

(2) Precede the Agency's actual threshold determination for the proposal.

(c) The responsible official shall respond to the request for early notice within 30 working days. The response shall:

(1) Be written;

(2) State whether the Agency currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the Agency to consider a DS; and

(3) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(d) As much as possible, the Agency should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(e) When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the Agency shall base its threshold determination on the changed or clarified proposal and shall make the determination within 15 days of receiving the changed or clarified proposal:

(1) If the Agency indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the Agency shall issue and circulate a DNS under WAC 197-11-340(2).

(2) If the Agency indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the Agency shall make the threshold determination, issuing a DNS or DS as appropriate.

(3) The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific.

(4) Mitigation measures that justify issuance of a mitigated DNS may be incorporated in the DNS by reference to Agency staff reports, studies, or other documents

(f) Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the Agency.

(g) If the Agency's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the Agency should evaluate the threshold determination to ensure consistency with WAC 197-11-340 (3)(a) (withdrawal of DNS).

(h) The Agency's written response under Section 2.07(c) of this regulation shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the Agency to consider the clarifications or changes in its threshold determination.

NEW SECTION

REGULATION I SECTION 2.08 PREPARATION OF EIS—ADDITIONAL CONSIDERATIONS

(a) Preparing a draft and final EIS (DEIS and FEIS) and draft and final supplemental EIS (SEIS) is the responsibility of the responsible official. Before the Agency issues an EIS, the responsible official shall be satisfied that it complies with this regulation and chapter 197-11 WAC.

(b) The DEIS and FEIS or draft and final SEIS shall be prepared by Agency staff or by a consultant selected by the Agency. The Agency retains sole authority to select persons or firms to author, co-author, provide special services, or otherwise participate in preparing required environmental documents. If the responsible official requires an EIS for a proposal and determines that someone other than the Agency will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the Agency's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

(c) The Agency may require an applicant to provide information the Agency does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this regulation or that is being requested from another agency. (This does not apply to information the Agency may request under another regulation or statute.)

NEW SECTION

REGULATION I SECTION 2.09 ADDITIONAL ELEMENTS TO BE COVERED IN AN EIS

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determination or perform any other function or purpose under this regulation:

- (a) Economy
- (b) Social policy analysis
- (c) Cost-benefit analysis

NEW SECTION

REGULATION I SECTION 2.10 PUBLIC NOTICE

(a) Whenever the Agency issues a DNS under WAC 197-11-340(b) or a DS under WAC 197-11-360(c), the Agency shall give public notice as follows:

(1) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

(2) If no public notice is required for the permit or approval, the Agency shall give notice of the DNS or DS by:

(A) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered, and

(B) Posting notice on the Agency website.

(3) Whenever the Agency issues a DS under WAC 197-11-360(3), the Agency shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

(b) Whenever the Agency issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

(1) Indicating the availability of the DEIS in any public notice required for a nonexempt license; and at least one of the following methods:

(2) Posting the property, for site-specific proposals;

(3) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located;

(4) Notifying public or private groups that have expressed interest in a certain proposal or in the type of proposal being considered;

(5) Notifying the news media;

(6) Placing notices in appropriate regional, neighborhood, ethnic, or trade journals;

(7) Publishing notice in Agency newsletters and/or sending notice to Agency mailing lists (general lists or specific lists for proposals or subject areas); and/or

(8) Posting notice on the Agency website.

(c) Whenever possible, the Agency shall integrate the public notice required under this section with existing notice procedures for the Agency's nonexempt permit(s) or approval(s) required for the proposal.

(d) The Agency may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

NEW SECTION

REGULATION I SECTION 2.11 DESIGNATION OF OFFICIAL TO PERFORM CONSULTED AGENCY RESPONSIBILITIES FOR THE AGENCY

(a) The Control Officer shall be responsible for preparing written comments for the Agency in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

(b) The Control Officer shall be responsible for the Agency's compliance with WAC 197-11-550 whenever the Agency is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from the Agency.

NEW SECTION

REGULATION I SECTION 2.12 SEPA SUBSTANTIVE AUTHORITY

(a) The policies and goals set forth in this section supplement those in the existing authority of the Agency.

(b) Any governmental action on public or private proposals that are not exempt may be conditioned or denied under SEPA to mitigate the environmental impact, subject to the following limitations:

(1) Mitigation measures or denials shall be based on policies, plans, rules, or regulations designated in this article as a basis for the exercise of substantive authority and in effect when the DNS or DEIS is issued. The responsible official shall cite the Agency's SEPA policy that is the basis of any condition or denial under this regulation (for proposals of applicants).

(2) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the responsible official. Such document may be the permit itself, or may be combined with other Agency doc-

uments, or may reference relevant portions of environmental documents.

(3) Mitigation measures shall be reasonable and capable of being accomplished.

(4) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(5) The Agency shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(6) To deny a proposal under SEPA, the Agency must find that:

(A) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental EIS prepared pursuant to this regulation; and

(B) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(c) The Agency designates and adopts by reference the following policies, plans, rules, and regulations as the potential bases for the Agency's exercise of substantive authority under SEPA, pursuant to this section:

(1) The Agency shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(A) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(B) Ensure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(C) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(D) Preserve important historic, cultural, and natural aspects of our national heritage;

(E) Maintain, wherever possible, an environment that supports diversity and variety of individual choice;

(F) Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and

(G) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(2) The Agency recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(3) The Agency adopts by reference the policies in the following laws and Agency resolutions, regulations, and plans:

(A) Federal and state Clean Air Acts, and regulations adopted thereunder.

(B) Agency Regulations I, II, and III.

(C) Resolutions adopted by the Agency Board of Directors.

(D) Maintenance plans.

(E) Washington State Implementation Plan.

(F) Final Report of the Agency PM2.5 Stakeholder Group, dated October 15, 1999.

(4) The Agency establishes the following additional policies:

(A) Air quality

(i) Policy Background

(a) Air pollution can be damaging to human health, plants and animals, visibility, aesthetics, and the overall quality of life.

(b) The Agency is responsible for monitoring air quality in the Puget Sound area, setting standards, and regulating development to achieve regional air quality standards.

(c) Federal, state, and regional regulations and programs cannot always anticipate or adequately mitigate adverse air quality impacts.

(ii) Policies

(a) To minimize or prevent adverse air quality impacts.

(b) To secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area, and facilitate the enjoyment of the natural attractions of the Puget Sound area.

(c) To eliminate emissions of ozone-depleting chlorofluorocarbons, in the interests of national and global environmental protection; and to consider energy efficiency and conservation to reduce greenhouse gases.

(d) To reduce woodstove emissions by educating the public about the effects of woodstove emissions, other heating alternatives, and the desirability of achieving better emission performance and heating efficiency from woodstoves pursuant to standards adopted by the Department of Ecology; and to encourage replacing uncertified woodstoves with cleaner sources of heat.

(e) To reduce outdoor burning to the greatest extent practical.

(f) To develop and adopt strategies for effectively reducing or eliminating impacts from toxic air contaminants.

(g) To control volatile organic compound (VOC) emissions in order to maintain the National Ambient Air Quality Standard for ozone.

(h) If the responsible official makes a written finding that the applicable federal, state, and/or regional regulations did not anticipate or are inadequate to address the particular impact(s) of a project, the responsible official may condition or deny the proposal to mitigate its adverse impacts.

(B) Land Use

(i) Policy background

(a) Adverse land use impacts may result when a proposed project or land use policy includes uses that may be consistent with applicable zoning requirements but inconsistent with air quality regulations.

(b) Adverse cumulative land use impacts may result when particular uses permitted under the zoning code occur in an area to such an extent that they expose sensitive populations to air quality related health and environmental adverse impacts.

(ii) Policies

(a) To ensure that proposed uses in projects are reasonably compatible with surrounding uses and are consistent with applicable air quality regulations.

(b) To reduce regional air pollution emissions associated with land uses by promoting clean alternative forms of domestic use fuels, including natural gas, in new single and multifamily housing developments within urban growth areas. In addition, to discourage wood as a source of heat for residential development in low-lying areas susceptible to pollution accumulations.

(c) To encourage municipal curbside solid and yard waste collection services at reasonable costs.

(C) Transportation

(i) Policy Background

(a) Excessive traffic can adversely affect regional air quality.

(b) Substantial traffic volumes associated with major projects may adversely impact air quality in surrounding areas.

(ii) Policies

(a) To minimize or prevent adverse traffic impacts that would undermine the air quality of a neighborhood or surrounding areas.

(b) To promote transportation demand and systems management actions designed to reduce vehicle emissions by reducing the use of single occupancy vehicles, reducing traffic congestion, and increasing public transportation services.

(c) To encourage integrating land use and transportation planning.

(d) To emphasize the importance of air quality conformity determinations required for proposed transportation plans, programs, and projects.

(e) To pursue and support alternative and clean fuels projects and programs.

(f) To promote and support land use plans and projects designed to reduce vehicle emissions by reducing the use of single occupant vehicles, number of vehicle miles traveled, and traffic congestion; and supporting the use of public transportation.

(g) In determining the necessary air quality impact mitigation, the responsible official will examine the mitigation proposed by the local jurisdiction.

(D) Cumulative Effects

(i) The analysis of cumulative effects shall include a reasonable assessment of:

(a) The capacity of natural systems, such as air, water, light, and land, to absorb the direct and reasonably anticipated indirect impacts of the proposal, and

(b) The demand upon facilities, services, and natural systems of present, simultaneous, and known future development in the area of the project or action.

(ii) An action or project may be conditioned or denied to lessen or eliminate its cumulative effects on the environment:

(a) When considered together with prior, simultaneous, or induced future development; or

(b) When, taking into account known future development under established zoning or other regulations, it is determined that a project will use more than its share of present and planned facilities, services, and natural systems.

NEW SECTION**REGULATION I SECTION 2.13 NOTICE/STATUTE OF LIMITATIONS**

(a) The Agency, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(b) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the city clerk or county auditor, applicant, or proponent pursuant to RCW 43.21C.080.

NEW SECTION**REGULATION I SECTION 2.14 FEES**

In addition to the fees set forth in Article 6, the following fees apply:

(a) Threshold Determination

The Agency may contract directly with a consultant for preparation of an environmental checklist or other information needed for the Agency to make a threshold determination, and may bill such costs and expenses directly to the applicant. The Agency may require the applicant to post bond or otherwise ensure payment of such costs and expenses. In addition, the Agency may charge and collect a reasonable fee from any applicant to cover the costs incurred by the Agency in preparing an environmental checklist or other information needed for the Agency to make a threshold determination.

(b) Environmental Impact Statement

(1) When the Agency is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the Agency, the Agency may charge and collect a reasonable fee from any applicant to cover costs incurred by the Agency in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.

(2) The responsible official may determine that the Agency will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the Agency and may bill such costs and expenses directly to the applicant. The Agency may require the applicant to post bond or otherwise ensure payment of such costs.

(3) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under Section 2.14 (a) or (b) of this regulation that remain after incurred costs are paid.

(c) The Agency may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this regulation relating to the applicant's proposal.

(d) The Agency shall not collect a fee for performing its duties as a consulted agency, except as provided in WAC 197-11-570.

(e) The Agency may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in a manner provided by chapter 42.17 RCW.

WSR 01-11-102

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 21, 2001, 10:49 a.m.]

Date of Adoption: May 17, 2001.

Purpose: The purpose of this new chapter is to implement those parts of RCW 18.210.005, 18.210.020, 18.210.130, and 18.210.150 requiring the establishment of standards of practice, outlining professional conduct, defining direct supervision and establishing the professional seal/stamp and its proper usage for persons who are licensed under chapter 18.210 RCW to practice, or offer to practice the design of on-site wastewater treatment systems in the state, and licensed professional engineers under chapter 18.43 RCW practicing on-site design.

Statutory Authority for Adoption: RCW 18.210.050, 18.210.060.

Adopted under notice filed as WSR 01-05-033 on February 13, 2001.

Changes Other than Editing from Proposed to Adopted Version: Title: The title is changed to "Rules of Professional Practice for Licensees Designing On-Site Wastewater Treatment Systems" to avoid confusion with similar board rules for engineers.

WAC 196-33-100 Purpose and definitions: In line 11, the reference to the "department of health" is changed to "state board of health" to correct the referenced authority.

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 5, 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 5, 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.

May 17, 2001

George A. Twiss
Executive Director

PERMANENT

(New Chapter)
Chapter 196-33 WAC

Rules of Professional Practice for Licensees Designing
On-Site Wastewater Treatment Systems

NEW SECTION

WAC 196-33-100 Purpose and definitions (1) The purpose of Chapter 196-33 WAC is to provide further guidance to licensees with respect to the accepted professional conduct and standard of practice, as indicated in chapter 18.210 RCW, and generally expected of those practicing professional on-site wastewater treatment system designing. These standards shall apply to all persons authorized to practice on-site wastewater treatment system design services, whether licensed professional designers under chapter 18.210 RCW, or licensed professional engineers under chapter 18.43 RCW. The board recognizes the need to establish standards with which to measure the performance of practitioners. The board further recognizes, as a minimum standard, those standards for the design of on-site wastewater treatment systems required by WAC 246-272, promulgated by the state board of health in accordance with their authority granted in chapter 43.20.050 RCW. It is the intent of the board to introduce guidance and direction through these rules, together with recommended standards and guidance documents.

(2) The word "licensee" in these rules of professional practice shall mean any person holding a license issued in accordance with chapter 18.210 RCW, or chapter 18.43 RCW, issued by this board.

(3) All licensees are charged with having knowledge of and practicing in accordance with the provisions of these rules of professional practice.

(4) Should there be any conflict in the guidance provided in this chapter and the intent of the language of Chapter 18.210 RCW, the intent of the language in Chapter 18.210 RCW prevails.

(5) Terms used in this chapter shall have the same definition as provided in Chapter 18.210 RCW.

NEW SECTION

WAC 196-33-200 Fundamental canons and guidelines for professional practice and conduct The specialized and complex knowledge required for on-site wastewater treatment system design makes it imperative that licensees exercise a standard of care that holds paramount the protection of the health, safety, environment, property, and welfare of the public.

(1) Licensees are expected to apply the skill, diligence and judgment required by the professional standard of care, to achieve the goals and objectives agreed with the client or employer, and are expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer. Licensees are obliged to:

(a) be honest and fair in their dealings, and to conform to the relevant laws and codes of the jurisdiction in which they practice.

(b) be able to demonstrate that their final products and work plans adequately consider the primary importance of protecting the safety, health, property, and welfare of the general public.

(c) approve or seal only documents prepared by them or under their direct supervision.

(d) inform their clients or employers of the possible consequences, when an overruling or disregarding of the licensee's professional judgment may threaten the safety or health of the public. If in the judgment of the licensee an imminently dangerous situation persists, they shall promptly inform appropriate authorities.

(e) inform the board in writing, citing specific facts to which the licensee has direct knowledge, if they have knowledge or reason to believe that another person or firm may be in violation of any of the provisions of chapter 18.210 RCW or these rules of professional conduct, and cooperate with the board in furnishing such further information or assistance as may be required.

(2) Licensees shall be competent in the technology, and knowledgeable of the codes, regulations, and guidelines applicable to the services they perform.

(3) Licensees shall be qualified by education and/or experience in the technical area of on-site wastewater treatment system design applicable to services performed and the technologies utilized.

(4) Licensees may accept primary contractual responsibility requiring education and/or experience outside their own area of competence, provided their services are restricted to those phases of the project in which they are qualified.

(5) Licensees shall not affix their signatures or seals to any plan or document dealing with subject matter in which they lack competence by virtue of education and/or experience.

(6) Licensees shall act in professional matters for each employer or client as faithful agents or trustees.

(7) Licensees shall be objective and truthful in professional documents, reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements or testimony. They shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(8) Licensees shall avoid all known or potential conflicts of interest with their employers or clients and shall promptly inform their employers or clients of any business association, interest, or circumstances, which could influence their judgment, or the quality of their services.

(9) Licensees shall only accept compensation from one party for services on a project, unless the circumstances are fully disclosed to and agreed to, by all interested parties.

(10) Licensees shall not solicit or, accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with their clients or employers in connection with work for which they are responsible.

(11) Licensees shall advise their employers or clients when, as a result of their studies, they believe a project will not achieve the goals established with the client.

(12) Licensees shall not use confidential information coming to them in the course of their assignments as a means of making personal profit if such action is adverse to the interests of their clients, employers or the public.

(13) Licensees employed full-time shall not accept professional employment outside of their regular work or interest without the knowledge and consent of their employers.

(14) Licensees shall offer their professional services in a truthful, objective, and professional manner that results in public trust in the integrity of the on-site design profession.

(15) Licensees shall not request, propose or accept professional commissions on a contingent basis under circumstances in which their professional judgments may be compromised.

(16) Licensees shall not offer or accept money, goods or other favors as inducement to receive favorable consideration for a professional assignment or as an inducement to approve, authorize or influence the granting of a professional assignment. This shall not preclude the securing of salaried positions through employment agencies.

(17) Licensees shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(18) Licensees shall not falsify or permit misrepresentation of their academic or professional qualifications or experience.

(19) Licensees shall not advertise professional services in a way that is false or misleading as to the qualification, experience, or capability of the licensee.

(20) Public statements by licensees regarding the practice of on-site wastewater treatment systems design shall be objective and truthful.

(21) Licensees should endeavor to extend the public knowledge of on-site wastewater treatment system design and shall not participate in the dissemination of untrue, unfair, or exaggerated statements regarding the profession.

(22) Professional reports, statements, or testimony made to the public or public entities shall include all relevant and pertinent information to support conclusions or opinions expressed.

(23) Licensees when serving as an expert witness shall express an on-site design opinion only when it is founded upon adequate knowledge of the facts, upon a background of technical competence, and upon honest conviction.

(24) Licensees shall issue no statements, criticisms, or arguments regarding on-site design matters, which are inspired or paid for by interested parties, unless they indicate on whose behalf the statements, are made.

(25) Licensees shall continue their professional development throughout their careers, and shall provide opportunities for the professional development of those individuals under their supervision.

(26) Licensees shall respond to any legal request for information by the board and/or appear before the board in the time frame established by the board or their staff designee.

(27) In addition to the requirements of Chapter 18.210.020 and this chapter, the following acts are contrary to the standard of practice for individuals authorized to practice under this chapter and constitute unprofessional conduct in the practice of on-site wastewater treatment system designing:

(a) Duplicating, copying, removing or attempting to remove materials from the custody and control of the Board that are exempt from inspection or copying under chapter 42.17 RCW when such duplication, copying or removal was not expressly authorized by the board.

(b) Failure to notify a client or employer that a project could not be completed or was not completed.

(c) Failure to respond to client inquiries under conditions which endanger the health, safety, or welfare of the public or the client or the client's property.

(d) Failure to respond to inquiries from other on-site practitioners or governmental agencies regarding differences in your respective work products, under conditions which endanger the public health, safety, or welfare or the health, safety, or welfare of the client or the client's property.

NEW SECTION

WAC 196-33-300 Providing direct supervision.

Direct supervision is a combination of activities by which a licensee maintains control over those decisions that are the basis for the finding, conclusions, analysis, rationale, details, and judgments that are embodied in the development and preparation of on-site plans, specifications, reports, and related activities. Direct supervision explains the relationship between the licensee and those persons who are performing the work controlled by the licensee. Direct supervision requires providing personal direction, oversight, inspection, observation and supervision of the work being certified.

Communications between the licensee and those persons who are performing the work include, but are not limited to, use of any of the following ways: Direct face-to-face communications; written communications; U.S. mail; electronic mail; facsimiles; telecommunications, or other current technology: Provided, that the licensee retains, maintains, and asserts continuing control and judgment.

Nothing in this section shall be construed to relieve the licensee from the responsibility of final decision making and plan stamping.

NEW SECTION

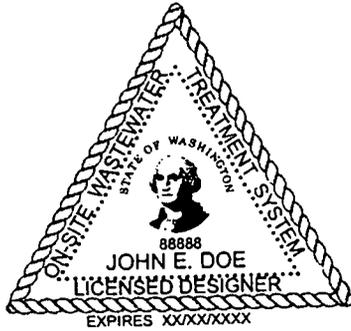
WAC 196-33-400 Seals and stamps All individuals licensed in accordance with chapter 18.210 RCW shall procure a seal/stamp that conforms to the design as authorized by the board. It is the responsibility of the licensee to maintain control over the use of his/her stamp/seal. The impression or image of the seal/stamp shall conform to the below-illustrated design and be of a size that assures full legibility of the following required information:

(1) State of Washington;

(2) Licensed On-Site Wastewater Treatment System Designer;

(3) License number;

- (4) Licensee's name as shown on license;
 (5) Date of license expiration.



NEW SECTION

WAC 196-33-500 Seal and stamp usage The use of the seal/stamp shall be in accordance with chapters 18.43 RCW and 18.210 RCW, or as otherwise described herein:

(1) Final documents are those documents that are prepared and distributed for use for construction, final agency approvals, use by clients, and record drawings or as-builts for filing with public officials where such record drawings or as-builts are required to be prepared by the licensee. Any final document must contain the seal/stamp, license expiration date and signature of the licensee who prepared or directly supervised the work. For the purpose of this section "document" is defined as plans, designs, specifications and reports.

(2) Preliminary documents are those documents not considered final as defined herein, but are released or distributed by the licensee. Preliminary documents must be clearly identified as "PRELIMINARY" or contain such wording so it may be differentiated from a final document. Preliminary documents shall be stamped and dated, but need not be signed by the licensee.

(3) Plan sets: Every page of a plan set must contain the seal/stamp and signature of the licensee(s) who prepared or who had direct supervision over the preparation of the work.

(a) Plans/designs containing work prepared by or under the direct supervision of more than one licensee shall be sealed/stamped by each licensee and shall clearly note the extent of each licensee's responsibility.

(b) As provided for in subsections (1) and (2) of this section, each page of a plan set must contain the seal/stamp of the licensee who prepared or who had direct supervision over the preparation of the work and may contain the signature of the licensee depending on whether the plan set is final or preliminary.

(c) Plan/design sheets containing and/or depicting background and/or supporting information that is duplicated from other plans need only be sealed/stamped by the licensee(s) who prepared or was in direct supervision of the design on that plan sheet. Whenever possible, the origin of the background information should be noted on the plan sheet.

(d) All design revisions to final plan/design sheets shall be performed by qualified licensees and shall be done in accordance with the provisions of RCW 18.210. The revised

plan/design sheets shall clearly identify on each sheet; the revisions made and shall contain the name and seal of the licensee, and signature of licensee with the date the revision was made.

(4) Specifications: Specifications that are prepared by or under the direct supervision of a licensee shall contain the seal/stamp and signature of the licensee. If the specifications prepared by a licensee are a portion of a bound specification document that contains specifications other than that of an on-site design nature, the licensee need only seal/stamp that portion or portions of the documents for which the licensee is responsible. Nothing herein should be construed to require that each page of a on-site design specification be sealed/stamped by the licensee.

(5) Document review: When a licensee is required to review work prepared by another licensed on-site designer, the reviewing licensee shall fully review those documents and shall prepare a report that discusses the findings of the review with any supporting calculations and sketches. The reviewing licensee would then seal/stamp and sign the report. The report would make reference to and/or be attached to the subject document(s) reviewed.

(6) Nothing in this section requires the stamping of plans/designs by employees of local health districts acting in their capacity as on-site inspectors/reviewers, whether or not licensed under 18.210 RCW.

WSR 01-12-002

PERMANENT RULES

WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

[Filed May 23, 2001, 2:09 p.m.]

Date of Adoption: May 18, 2001.

Purpose: Implement the Public Disclosure Act and the Open Public Meetings Act by (1) advising the public about how to obtain public records from the commission and (2) providing the public with basic information about how the commission will conduct public hearings.

Statutory Authority for Adoption: Chapters 34.05, 42.17 RCW.

Adopted under notice filed as WSR 01-04-033 on January 31, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 183-04-030(4), change address and phone and fax numbers; WAC 183-04-030(5), change executive in second line to administrative; and WAC 183-04-040 (2)(c), change fax number.

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 14, 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.

May 23, 2001

Carol Sayer

Executive Director

Title 183 WAC

WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

Chapter 183-04 WAC

PUBLIC RECORDS

NEW SECTION

WAC 183-04-010 Purpose. The purpose of this chapter is to implement the public records provisions of chapter 42.17 RCW.

NEW SECTION

WAC 183-04-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Commission" means the Washington citizens' commission on salaries for elected officials. Where appropriate, the term "commission" also refers to the staff and employees of the commission.

(2) "Executive director" means the executive director of the commission.

(3) As used in this chapter:

(a) Citations to state statutes and regulations include such laws as now or hereafter amended.

(b) The singular shall take the plural and either gender, the other, as the context requires.

NEW SECTION

WAC 183-04-030 Description of organization, operations, and procedures. A description of the commission's organization and the general course and method by which the commission's operations are channeled and determined, along with the nature and requirements of all formal and informal procedures are summarized as follows:

(1) The commission is a state agency authorized by Article 28, section 1 of the state Constitution and created in chapter 43.03 RCW. The commission studies and establishes salaries for the:

(a) Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public

instruction, commissioner of public lands, and insurance commissioner;

(b) Members of the legislature; and

(c) Justices of the supreme court, and judges of the courts of appeals, superior courts, and district courts.

(2) The commission's authority and duties are described in Article 28, section 1 of the state Constitution and in chapter 43.03 RCW.

(3) Membership on the commission is described in RCW 43.03.305. The commission may delegate certain duties to subordinates but remains responsible for the official acts of staff and employees.

(4) The commission's office is located at: 1210 Eastside Street, Olympia, Washington. The commission's telephone number is (360) 586-7542. The commission's FAX number is (360) 586-7544. The commission's website is at www.salaries.wa.gov and e-mails may be sent to the commission by accessing that site. The commission shall accept public records requests only at the locations and through the means described in WAC 183-04-040.

(5) The commission has an executive director who, as the chief administrative officer of the commission, is delegated authority over matters affecting the operation of the commission.

(6) As needed, the commission may also have additional staff and employees.

(7) The commission conducts its meetings in compliance with the Open Public Meetings Act, chapter 42.30 RCW and chapter 183-06 WAC.

(8) The commission's generally applicable statements of procedure are adopted as authorized by law and contained in Title 183 WAC.

NEW SECTION

WAC 183-04-040 Where and when public records may be obtained. (1) The commission's office is not open on a full-time year-round basis. The public can find out the commission's hours of operation by contacting the commission's general mailing address, telephone number, or website address identified in WAC 183-04-030.

(2) The public may nevertheless obtain public records year-round, as follows:

(a) Mail. The public may mail public records requests to the commission at any time, regardless of whether the office is open or not. When the office is closed, the commission makes arrangements for such requests to be handled. Requests by mail shall be addressed to the commission's mailing address: The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer, P.O. Box 43120; Olympia, WA 98504-3120. The front of the envelope shall conspicuously state: "Public Records Request."

(b) E-mail. When the commission's office is open, the commission will accept public disclosure requests by e-mail. E-mail requests shall be sent to the commission by accessing the commission's website at www.salaries.wa.gov and following the instructions for e-mail. E-mail requests shall contain the subject line "Public Records Request."

(c) FAX. When the commission's office is open, the commission will accept public disclosure requests by FAX. FAX requests shall be addressed to "The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to (360) 586-7544.

(d) In person. In person requests shall be made during the hours identified in WAC 183-04-050. When the commission's office is open, requests may be made in person at the commission's office. When the commission's office is closed, requests may be made in person at the Office of Financial Management, 6639 Capitol Blvd., Tumwater, Washington. FAX requests shall be addressed to "The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to the office of financial management (360) 664-3423.

(e) Telephone. Requests may not be made by telephone.

NEW SECTION

WAC 183-04-050 Public records available. (1) The public may obtain public records of the commission under these rules, in accordance with chapter 42.17 RCW, and except as otherwise provided by law.

(2) Public records are available for public inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays (unless the requesting party and the commission agree on a different time) as described in WAC 183-04-040.

NEW SECTION

WAC 183-04-060 Public records officer. The commission shall designate a public records officer to have charge of its public records. The public records officer shall be responsible for implementing the commission's public disclosure rules and for coordinating staff and employees in this regard. The public records officer may choose such designees as may be appropriate.

NEW SECTION

WAC 183-04-070 Requests for public records. Chapter 42.17 RCW requires the commission to prevent invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions and unreasonable disruptions of operations. Accordingly, the public may inspect, copy, or obtain copies of public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. No particular form of writing is required so long as the request complies with WAC 183-04-040 and contains the following additional information:

- (a) The name, mailing address, and telephone number of the person requesting the record.
- (b) The calendar date on which the request is made.
- (c) Identification of the record requested with sufficient particularity that the commission can identify the requested

record and make it available. Such identifying information might include the title, subject matter, and date of the record.

(d) A signed statement that the records will not be used for commercial purposes if a list of individuals is being requested, or for any other use prohibited by law.

(2) To facilitate processing the request, the person requesting the record may also include:

- (a) Either a FAX number or an e-mail address, or both.
- (b) A reference to the record as it is described in the current public record index maintained by the commission.
- (3) The public may make written public records requests to the commission, by mail, by FAX, or by e-mail in accordance with WAC 183-04-040. Members of the public making public records requests in person who have not reduced their request to writing shall be asked to complete a short form with the needed information. The purpose of requiring written requests is to assist the commission in tracking, managing, and responding to requests in a timely and orderly fashion.

(4) The commission shall assist persons making public records requests to appropriately identify the public records being sought. The commission may ask the requesting party to clarify what information is being sought.

NEW SECTION

WAC 183-04-080 Copying and fees. (1) Copying.

(a) The commission shall make copies on the commission's copy equipment when doing so will not unreasonably disrupt the operations of the commission or cause excessive interference with other essential functions.

(b) Persons requesting public records may use their own copying equipment and paper without charge when the use of such equipment does not cause damage or disorganization to the public records, unreasonably impede the operations of the commission or cause excessive interference with other essential functions. The commission may supervise such copying at all times.

(2) Fees.

(a) The commission shall not charge a fee for locating documents, for making them available, or for inspection of public records by the public.

(b) The commission may impose a reasonable fee for providing copies of public records, for use of the commission's equipment, and for mailing costs, postage, delivery costs, and other costs directly incident to copying the records. The commission shall not charge fees that exceed the amount necessary to reimburse the commission for its actual costs.

(c) The commission shall not provide copies to requesting parties unless associated fees have been paid in full by cash, check, or money order. To ensure that copies requested and made are actually paid for, the commission may require payment prior to making the copies.

(d) The commission may agree to provide copies without fee to federal, state, local, or tribal governments, or to others, when doing so is in the best interest of the commission.

NEW SECTION

WAC 183-04-090 Disclosure procedure. (1) The commission shall review the requested public records prior to disclosure.

(2) If the records do not contain materials exempt from public disclosure, the commission shall disclose the records.

(3) If the records contain materials exempt from public disclosure, the commission shall deny disclosure of the exempt materials and disclose any remaining, nonexempt materials. At the time of the denial, the commission shall clearly specify in writing the reasons for the denial, including a statement of the specific exemptions or reason for denial of disclosure.

NEW SECTION

WAC 183-04-100 Review of denials of requests for public records. For the purpose of judicial review, final agency action is deemed to have occurred at the end of the second business day after the requesting party receives notification of a denial of inspection.

NEW SECTION

WAC 183-04-110 Records index. (1) Availability. The commission shall maintain and make available for public inspection and copying an index that provides identifying information for public records falling within the requirements of RCW 42.17.260.

(2) Form and content. The index shall be maintained in electronic form with copies available on paper. The index shall contain topic and subtopic headings.

(3) Location and availability. The index shall be available to the public under the same rules and on the same conditions as are applied to other public records.

(4) Schedule for revisions and updates. The commission will revise and update the index biennially.

Chapter 183-06 WAC**PUBLIC HEARING PROCEDURES**NEW SECTION

WAC 183-06-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Chair" means the chair of the commission.

(2) "Commission" means the Washington citizens' commission on salaries for elected officials. Where appropriate, the term "commission" also refers to the staff and employees of the commission.

(3) "Executive director" means the executive director of the commission.

(4) As used in this chapter:

(a) Citations to state statutes and regulations include such laws as now or hereafter amended.

(b) The singular shall take the plural and either gender, the other, as the context requires.

NEW SECTION

WAC 183-06-020 Meetings. (1) Other than executive sessions, the commission's regular meetings, special meetings, and emergency meetings are open to the general public.

(2) Regular meetings. In conformance with the requirement of RCW 43.03.310 that the commission schedule at least four public hearings to take public testimony on its proposed salary schedule, the commission shall schedule such hearings by majority vote. The public hearings so scheduled shall be "regular meetings" as defined by RCW 42.30.075. The commission shall fix the time and place of these public hearings and publish a schedule in the *Washington State Register*, in accordance with chapter 42.30 RCW, the Open Public Meetings Act.

(3) Special meetings. The chair or a majority of commission members may call a special meeting at any time in accordance with RCW 42.30.080. In addition, the time and place of special meetings scheduled at the same time that the regular meetings described in subsection (1) of this section are scheduled will also be published in the *Washington State Register*.

(4) Executive sessions. The chair or a majority of commission members may call an executive session at any time in accordance with RCW 42.30.110.

(5) The presence of any eight members of the commission shall constitute a quorum.

(6) The commission shall maintain records of proceedings as minutes of the meetings, duly recorded, and maintained at the commission's office.

NEW SECTION

WAC 183-06-030 Conduct of meetings and order of business. (1) All commission meeting business shall be transacted by motion. Motions may be made by any commission member and shall require a second.

(2) Voting on all motions shall be by voice vote unless a division is called for in which case the executive director shall call the roll in alphabetical order and record the vote of each member present, "yea" or "nay."

(3) The order of commission meeting business shall be conducted as prescribed by the agenda.

(4) The executive director shall prepare each meeting's agenda in consultation with the chair.

(5) The commission shall approve the minutes of the preceding meeting as the first act of each meeting.

(6) The chair or any commission member may modify a meeting's agenda by motion.

(7) Public hearings. The commission seeks to foster public comment on proposed salary schedules through its public hearing process. The commission will, whenever possible, allow any person an opportunity to present written or oral testimony at its public hearings, upon compliance with reasonable procedures. Such procedures include, but may not be limited to, the following:

(a) Those wishing to present oral testimony shall sign the public testimony roster. The commission will call for public comments in the order appearing on the roster. Elected officials and expert witnesses may be scheduled first because

their testimony may help answer pending questions from the public.

(b) To ensure that everyone attending the hearing can hear all oral testimony and questions, commenters shall speak using the microphone provided for the public, after being recognized by the presiding member of the commission. The presiding member of the commission is generally the chair.

(c) Oral testimony and questions should be addressed to the presiding member of the commission.

(d) Because the commission wants to hear from as many people as possible, the commission may place reasonable limits on the time allowed for oral testimony. Time for testimony is generally limited to five minutes per person. Answers to questions from the commission is generally limited to three minutes.

(e) Persons testifying, whether orally or in writing, shall state their name and identify whether they represent an organization. If they represent an organization, they shall identify the organization. At their option, they may also state their address.

(f) Commenters should focus their testimony on the relationship between elected officials' salaries and the duties of their position (RCW 43.03.300 and 43.03.310(I)). Testimony should not focus on elected officials' job performance. Consideration of job performance is allocated to the voters, not the commission.

(g) Commenters shall briefly describe the identity and nature of any documents referenced in their comments, and indicating where the document can be reviewed or obtained.

WSR 01-12-003
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 23, 2001, 3:13 p.m., effective July 1, 2001]

Date of Adoption: May 23, 2001.

Purpose: To increase fees and assessments paid by banks, thrifts, and other entities regulated by the Division of Banks in an amount up to the "fiscal growth factor." Rule allows a waiver of fees and assessments, if certain conditions are met.

Citation of Existing Rules Affected by this Order: Repealing WAC 208-586-135, 208-544-037 and 208-544-050; and amending chapters 208-544 and 208-586 WAC.

Statutory Authority for Adoption: RCW 30.04.030, 33.04.025, 43.320.040.

Adopted under notice filed as WSR 01-07-081 on March 21, 2001 (published on April 4, 2001).

Changes Other than Editing from Proposed to Adopted Version: The proposed rules provided for the removal of the cap on assessment fees and an automatic annual increase on July 1, 2001, and every July 1 thereafter, up to the amount of the fiscal growth factor for that fiscal year, as allowed under Initiative 601. The final rules leave the cap on assessment fees in place and limit the number of annual fee increases to two: One on July 1, 2001, and one on July 1, 2002.

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 2, Amended 2, Repealed 2.

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: July 1, 2001.

May 23, 2001

John L. Bley

Director

AMENDATORY SECTION (Amending WSR 01-06-024, filed 2/27/01, effective 3/30/01)

WAC 208-544-039 Charges and fees effective July 1, ((1999)) 2001. The division intends to increase the rate of its charges and fees each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of charges and fees each fiscal year during the 2001-03 biennium.

(1) Effective July 1, ((1999)) 2001, the rate of charges and fees under WAC 208-512-045, 208-544-020 and 208-544-030 shall be as follows:

(a) WAC 208-512-045 (1)(c) and (d) - The fee shall be \$100.00 for the issuance and filing of certificates.

(b) WAC 208-512-045 (1)(e) - The fee shall be 50 cents per page.

(c) WAC 208-512-045(2) - The fee shall be \$((96.87)) 102.43 per employee hour expended.

(d) WAC 208-544-020(1) - The rates shall be the following:

If total assets are:		The assessment is:		
Over	But not Over	This Amount	Plus	Of Excess Over
Million	Million			Million
0	500	0	((-0000151549)) <u>0.000016022</u>	0
500	1,000	((7,577)) <u>8.011</u>	((-0000145309)) <u>0.000015364</u>	500
1,000	10,000	((44,842)) <u>15.693</u>	((-0000143149)) <u>0.0000015134</u>	1,000
10,000	—	((443,676)) <u>151.899</u>	.000	10,000

(e) WAC 208-544-020(2) - The rate shall be ((-000037876)) 0.04005.

(f) WAC 208-544-030(1) - The fee shall be \$((69.95)) 73.95 per hour.

PERMANENT

(g) WAC 208-544-030(2) - The fee shall be \$((96.87)) 102.43 per hour.

(2) ~~((Thereafter, effective July 1, 2000, and again on July 1, 2001, the charges and fees set forth in subsection (1)(e), (d), (e), (f), and (g) of this section shall be increased by the fiscal growth factor as determined by the office of financial management pursuant to RCW 43.135.025.))~~ (a) On July 1, 2002, the rate of charges and fees under subsection (1)(c), (d), (e), (f), and (g) of this section, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(b) The director may round off a rate increase under this subsection. However, no rate increase may exceed the applicable fiscal growth factor.

(c) By June 1 of each year the director will make available a chart of the new rates that will take effect on the immediately following July 1.

(3) The director may ~~((suspend the collection of))~~ waive any or all of the charges and/or fees imposed under this section, in whole or in part, when he or she determines that both of the following factors are present:

(a) The banking ~~((examination fund established in RCW 43-320-110))~~ program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management (OFM); and

(b) That such course of action would be fiscally prudent.

(4)(a) If the charges and fees assessed under WAC 208-544-020(1) relating to a semiannual asset charge and WAC 208-544-030(1) relating to the hourly examination fee exceed ninety-five percent of the charges and fees applicable for a two-year period of the comparable federal chartering regulator (CFCR) or its successor then the charges and fees paid in excess of such amount shall be rebated to the institution pursuant to (d) of this subsection unless abated by the director as provided in (e) of this subsection.

(b) For purposes of determining rebate entitlement, the total of semiannual asset charges and examination fees will be determined by adding the monthly average semiannual asset charge and the monthly average examination fee for any twenty-four month period beginning on or after July 1, 2000. The monthly average semiannual asset charge is determined by dividing the semiannual asset charges by six and applying the monthly average to the previous six months. The monthly average examination fee is determined by dividing the examination fee for each examination during the averaging period by the number of months between each such examination and the previous examination as determined by the date of the examinations and applying the monthly average to those months. The CFRC charge is determined in the same manner. Under no circumstances will an institution be permitted to calculate a rebate based on a period of time that was included, in whole or in part, in the calculation of another rebate under this section.

(c) The rebate is determined by the difference between the sum of the applicable monthly average state charges and fees for the twenty-four month period minus ninety-five percent of the sum of the applicable monthly average CFRC

charges and fees for the same period, as each are determined in (b) of this subsection.

(d) Entitlement of the rebate will occur only upon petition and satisfactory proof to the director.

(e) Rebate abatement. At the discretion of the director, all or part of the rebate determined under (d) of this subsection may be denied if the director determines that:

(i) The institution required a substantially greater than average amount of supervisory time for reasons other than as a result of economic, legal, regulatory, or other conditions beyond the control of competent management;

(ii) The institution required a substantially greater than average amount of examination time for an institution of its size for reasons other than as a result of economic, legal, regulatory, or other conditions beyond the control of competent management;

(iii) Examinations or investigations were performed by third parties under personal services contracts;

(iv) The banking program fund does not exceed the projected acceptable minimum fund balance level approved by OFM or is insufficient to satisfy the rebates under this subsection and still maintain the operations of the department at a fiscally prudent level;

(v) The institution maintained a composite uniform financial institution rating (CAMELS) of 3, 4 or 5 during any time during the rebate period; or

(vi) Such other factors as the director may deem equitable or relevant.

(f) Institutions may become eligible to receive a rebate after June 30, 2002, for amounts paid on or after July 1, 2000.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 208-544-037	Charges and fees effective June 25, 1999.
WAC 208-544-050	Limitations on assessments.

AMENDATORY SECTION (Amending WSR 01-06-024, filed 2/27/01, effective 3/30/01)

WAC 208-586-140 Charges and fees effective July 1, ((1999)) 2001. The division intends to increase the rate of its charges and fees each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of charges and fees each fiscal year during the 2001-03 biennium.

(1) Effective July 1, ((1999)) 2001, the rate of charges and fees under chapters 208-586 and 208-594 WAC shall be as follows:

(a) WAC 208-586-030(1) - The fee shall be \$((43.05)) 45.51 per hour.

(b) WAC 208-586-030(2) - The fee shall be \$((48.43)) 51.19 per hour.

(c) WAC 208-586-030(3) - The fee shall be \$((53.84)) 56.89 per hour.

- (d) WAC 208-586-040 - The asset charge shall be ~~((.03229+6))~~ 0.0348046 per thousand dollars of assets.
- (e) WAC 208-586-075 - The fee shall be \$2,500.00 for the first branch and \$500.00 for each additional branch.
- (f) WAC 208-586-080 - The fee shall be \$50.00 for the home office and each branch.
- (g) WAC 208-586-090 - The fee shall be ~~\$(64.57))~~ 68.27 per hour.
- (h) WAC 208-586-100 - The fee shall be ~~\$(53.84))~~ 56.89 per hour.
- (i) WAC 208-586-110 - The fee shall be ~~\$(53.84))~~ 56.89 per hour.

(j) WAC 208-586-120 - The fee shall be \$5,000.00.
 (k) WAC 208-594-070 - The fee shall be \$1,000.00.
 (2) ~~((Thereafter, effective July 1, 2000, and again on July 1, 2001, the charges and fees set forth in subsection (1)(a), (b), (c), (d), (g), (h), and (i) of this section shall be increased by the fiscal growth factor as determined by the office of financial management pursuant to RCW 43.135.025.))~~ (a) On July 1, 2002, the rate of charges and fees under subsection (1)(a), (b), (c), (d), (g), (h), and (i) of this section, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(b) The director may round off a rate increase under this subsection. However, no rate increase may exceed the applicable fiscal growth factor.

(c) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

(3) The director may ~~((suspend the collection of))~~ waive any or all of the charges and/or fees imposed under this section, in whole or in part, when he or she determines that both of the following factors are present:

- (a) The banking ~~((examination fund established in RCW 43.320.110))~~ program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and
- (b) That such course of action would be fiscally prudent.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 208-586-135 Charges and fees effective June 25, 1999.

WSR 01-12-004
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 23, 2001, 3:14 p.m.]

Date of Adoption: May 23, 2001.

Purpose: To increase assessments and fees paid by credit unions and other parties to the Division of Credit Unions.

Citation of Existing Rules Affected by this Order: Repealing WAC 208-418-060; and amending WAC 208-418-020, 208-418-040, 208-418-050, and 208-418-070.

Statutory Authority for Adoption: RCW 31.12.426(1), 31.12.516(2), 43.320.040.

Adopted under notice filed as WSR 01-07-082 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Based on comments received, the division changed the rule in its final version to limit to two the number of automatic annual increases in the rate of assessment/fees: One on July 1, 2001, and one on July 1, 2002.

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 4, 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: Thirty-one days after filing.

May 23, 2001
 John L. Bley
 Director

NEW SECTION

WAC 208-418-010 Definitions. Unless the context clearly requires otherwise, as used in this chapter:

- (1) "Credit union" includes a Washington credit union, an out-of-state credit union and a foreign credit union.
- (2) "Foreign credit union" means a credit union organized and operating under the laws of another country or other foreign jurisdiction, that is operating a branch in Washington in accordance with RCW 31.12.471.
- (3) "Hourly fee" means a fee of \$57.42 per hour per examiner or other staff person of the division.
- (4) "Out-of-state credit union" means a credit union organized and operating under the laws of another state or U.S. territory or possession, that is operating a branch in Washington in accordance with RCW 31.12.471.
- (5)(a) "Total assets" of a Washington credit union includes all assets of the credit union as reported on the credit union's most recent form 5300 or similar financial report.
- (b) "Total assets" of an out-of-state or foreign credit union is derived from the following fraction:

$$\frac{\text{Total assets x in-state branch shares and deposits}}{\text{Total shares and deposits}}$$

PERMANENT

"Total assets" and "shares and deposits" include respectively all assets and shares and deposits as reported on the credit union's most recent form 5300 or similar financial report.

(6) "Washington credit union" means a credit union organized and operating under chapter 31.12 RCW.

AMENDATORY SECTION (Amending WSR 96-12-058, filed 5/31/96, effective 7/1/96)

WAC 208-418-020 Collection of fees. Chapter ~~((274, Laws of 1996,))~~ 31.12 RCW authorizes the director to charge fees to credit unions and certain ~~((related parties))~~ other persons in order to cover the costs of the operation of the division of credit unions and to establish a reasonable reserve for the division. As set forth in more detail in this chapter, the fees for this purpose shall consist of:

- (1) Quarterly asset assessments charged to credit unions;
- (2) Charges to a credit union for costs incurred by the division for certain types of attorney general or special counsel assistance in regard to the credit union; and
- (3) Certain other fees charged by the director.

~~((Fees must be paid no later than thirty days after their due date.))~~ The director may waive all or any portion of any fee payable by a credit union or other ~~((party based on the ability of the credit union or party to pay the fee))~~ person.

AMENDATORY SECTION (Amending WSR 96-12-058, filed 5/31/96, effective 7/1/96)

WAC 208-418-040 Quarterly asset assessments. (1) The director will charge each credit union a quarterly asset assessment at the rate set forth in subsection (2) of this section. Asset assessments will be due on January 1, April 1, July 1, and October 1. Asset assessments must be paid no later than thirty days after their due date. The assessments will be computed on total assets as of the prior June 30 for the October 1 and January 1 assessments, and as of the prior December 31 for the April 1 and July 1 assessments. ~~((Quarterly asset assessments are charged for the calendar quarter that begins on the due date of the assessment. No rebates will be made to credit unions that cease to be state chartered during the quarter.))~~

(2) Credit Union's Total Assets	Quarterly Asset Assessment
over \$500M	\$((18,357)) 18,883 + ((-000015)) 0.00001543 x total assets over \$500M
over \$100M up to \$500M	\$((5,104)) 5,250 + ((-000033134)) 0.00003408 x total assets over \$100M
over \$((20)) 25M up to \$100M	((-000051035)) 0.00005250 x total assets
over \$10M up to \$((20)) 25M	\$((1,125)) 1,157
over \$2M up to \$10M	\$((750)) 771

(2) Credit Union's Total Assets	Quarterly Asset Assessment
over \$((200)) 500K up to \$2M	\$((500)) 514
up to \$((200)) 500K	\$0
((Corporate Centrals	-0000252 x total assets))

M = Million K = Thousand

(3) Quarterly asset assessments are charged for the calendar quarter that begins on the due date of the assessment. No rebates will be made to credit unions that cease to be state-chartered during the quarter. A credit union converting to state charter will pay a prorated quarterly asset assessment for the quarter during which the conversion is completed.

(4) ~~((For the purpose of this chapter, "total assets" includes all assets held by a Washington chartered credit union whether held within this state or a branch in another state, and assets of foreign credit unions held through branches within the state of Washington, as reported on the credit union's form 5300 or similar financial report. However, the director may waive any assessment on assets held by Washington chartered credit unions through branches in other states based upon reciprocal agreements with the other state's regulatory authority. As used in this chapter, "foreign credit union" means a credit union chartered under the laws of another state or a foreign country.))~~ From time to time, the director may determine that asset assessments on an out-of-state credit union or foreign credit union are inappropriate relative to the level of examination and supervision of that credit union by the division. In that event, the director may charge the credit union hourly fees for examination and supervision of the credit union, including, but not limited to, off-site monitoring, in lieu of asset assessments. Such fees are due upon receipt of billing from the division.

AMENDATORY SECTION (Amending WSR 96-12-058, filed 5/31/96, effective 7/1/96)

WAC 208-418-050 Pass through of attorney general costs. (1) The director will charge each credit union the actual cost incurred by the division of credit unions for certain legal assistance rendered by an assistant attorney general or special counsel in regard to the credit union. Legal assistance includes legal assistance rendered in connection with: Supervisory committee meetings and board meetings; receiverships, conservatorships, liquidations and declarations of insolvency; enforcement agreements or actions; collection actions; administrative hearings; and ~~((written))~~ opinions requested by a credit union or the division of credit unions. Charges are due upon receipt of billing from the division.

(2) The division will notify a credit union before the division incurs expense for legal assistance which may be charged to the credit union under this section.

AMENDATORY SECTION (Amending WSR 96-12-058, filed 5/31/96, effective 7/1/96)

WAC 208-418-070 Other fees. (1) The director will charge hourly fees as follows:

PERMANENT

(a) An hourly fee will be charged to a ~~((party))~~ person other than a credit union or a subsidiary of one or more credit unions for each electronic data processing examination of the ~~((party))~~ person by the division of credit unions.

(b) An hourly fee will be charged to a credit union for the processing of the credit union's application to add a community group to its field of membership.

(c) An hourly fee will be charged to a credit union for a fraud investigation of the credit union and/or ~~((its related parties))~~ persons involved with the credit union by the division.

(d) An hourly fee will be charged to ~~((a))~~ an out-of-state or foreign credit union for ~~((an on-site))~~ examination and supervision by the division under WAC 208-418-040(4).

(e) An hourly fee will be charged to ~~((a))~~ an out-of-state or foreign credit union for the processing of the credit union's application to ~~((do business))~~ operate a branch in this state.

(f) An hourly fee will be charged to other divisions or agencies for examinations, investigations, or similar undertakings performed on their behalf by the division.

(2) ~~((As used in this section, "hourly fee" means a fee of \$55.82 per hour per examiner or other staff person of the division.~~

~~((3)))~~ In addition, the director will charge a credit union or other person for the actual cost incurred by the division for an examination or investigation of the credit union ~~((and/or its related parties))~~ or person performed under personal services contract by third parties.

~~((4)))~~ (3) Charges under this section are due upon receipt of billing from the division.

NEW SECTION

WAC 208-418-090 Rate increase. The division intends to increase its assessment and fee rates each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of assessments and fees each fiscal year during the 2001-03 biennium.

(1) On July 1, 2001, and July 1, 2002, the fee and assessment rates under WAC 208-418-010(3) and 208-418-040, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(2) The director may round off a rate increase under subsection (1) of this section. However, no rate increase may exceed the applicable fiscal growth factor.

(3) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

NEW SECTION

WAC 208-418-100 Waiver of fees. The director may waive any or all of the fees and assessments imposed under WAC 208-418-040 and 208-418-070, in whole or in part, when he or she determines that both of the following factors are present:

(1) The credit union program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and

(2) That such course of action would be fiscally prudent.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 208-418-060

One-time special assessment for fiscal 1997.

WSR 01-12-007

PERMANENT RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Filed May 24, 2001, 9:32 a.m.]

Date of Adoption: May 24, 2001.

Purpose: Establish state paydates for calendar year 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 01-09-085 on April 18, 2001.

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.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: RCW 42.16.010 requires that state paydates be established six months prior to calendar year end.

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

May 24, 2001

Lynne McGuire
Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-09-088, filed 4/18/00, effective 5/19/00)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the pro-

PERMANENT

visions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semi-monthly pay dates for calendar years (~~2000 and~~) 2001 and 2002:

CALENDAR YEAR 2000	CALENDAR YEAR 2001
Monday, January 10, 2000	Wednesday, January 10, 2001
Tuesday, January 25, 2000	Thursday, January 25, 2001
Thursday, February 10, 2000	Friday, February 9, 2001
Friday, February 25, 2000	Monday, February 26, 2001
Friday, March 10, 2000	Friday, March 9, 2001
Friday, March 24, 2000	Monday, March 26, 2001
Monday, April 10, 2000	Tuesday, April 10, 2001
Tuesday, April 25, 2000	Wednesday, April 25, 2001
Wednesday, May 10, 2000	Thursday, May 10, 2001
Thursday, May 25, 2000	Friday, May 25, 2001
Friday, June 9, 2000	Monday, June 11, 2001
Monday, June 26, 2000	Monday, June 25, 2001
Monday, July 10, 2000	Tuesday, July 10, 2001
Tuesday, July 25, 2000	Wednesday, July 25, 2001
Thursday, August 10, 2000	Friday, August 10, 2001
Friday, August 25, 2000	Friday, August 24, 2001
Monday, September 11, 2000	Monday, September 10, 2001
Monday, September 25, 2000	Tuesday, September 25, 2001
Tuesday, October 10, 2000	Wednesday, October 10, 2001
Wednesday, October 25, 2000	Thursday, October 25, 2001
Thursday, November 9, 2000	Friday, November 9, 2001
Wednesday, November 22, 2000	Monday, November 26, 2001
Monday, December 11, 2000	Monday, December 10, 2001
Friday, December 22, 2000	Monday, December 24, 2001)
<u>CALENDAR YEAR 2001</u>	<u>CALENDAR YEAR 2002</u>
<u>Wednesday, January 10, 2001</u>	<u>Thursday, January 10, 2002</u>
<u>Thursday, January 25, 2001</u>	<u>Friday, January 25, 2002</u>
<u>Friday, February 9, 2001</u>	<u>Monday, February 11, 2002</u>
<u>Monday, February 26, 2001</u>	<u>Monday, February 25, 2002</u>
<u>Friday, March 9, 2001</u>	<u>Monday, March 11, 2002</u>
<u>Monday, March 26, 2001</u>	<u>Monday, March 25, 2002</u>
<u>Tuesday, April 10, 2001</u>	<u>Wednesday, April 10, 2002</u>
<u>Tuesday, April 25, 2001</u>	<u>Thursday, April 25, 2002</u>
<u>Thursday, May 10, 2001</u>	<u>Friday, May 10, 2002</u>
<u>Friday, May 25, 2001</u>	<u>Friday, May 24, 2002</u>
<u>Monday, June 11, 2001</u>	<u>Monday, June 10, 2002</u>
<u>Monday, June 25, 2001</u>	<u>Tuesday, June 25, 2002</u>
<u>Tuesday, July 10, 2001</u>	<u>Wednesday, July 10, 2002</u>
<u>Wednesday, July 25, 2001</u>	<u>Thursday, July 25, 2002</u>
<u>Friday, August 10, 2001</u>	<u>Friday, August 9, 2002</u>
<u>Friday, August 24, 2001</u>	<u>Monday, August 26, 2002</u>
<u>Monday, September 10, 2001</u>	<u>Tuesday, September 10, 2002</u>
<u>Tuesday, September 25, 2001</u>	<u>Wednesday, September 25, 2002</u>
<u>Wednesday, October 10, 2001</u>	<u>Thursday, October 10, 2002</u>
<u>Thursday, October 25, 2001</u>	<u>Friday, October 25, 2002</u>
<u>Friday, November 9, 2001</u>	<u>Friday, November 8, 2002</u>
<u>Monday, November 26, 2001</u>	<u>Monday, November 25, 2002</u>
<u>Monday, December 10, 2001</u>	<u>Tuesday, December 10, 2002</u>
<u>Monday, December 24, 2001</u>	<u>Tuesday, December 24, 2002</u>

WSR 01-12-009
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Filed May 24, 2001, 1:14 p.m.]

Date of Adoption: May 16, 2001.

Purpose: To add a new section to chapter 192-150 WAC clarifying that an individual who volunteers to be included in a layoff will not be considered to have separated from work for a disqualifying reason when the layoff is initiated and announced by the employer and the employer takes the final action to terminate the employment relationship.

Citation of Existing Rules Affected by this Order: Repealing WAC 192-16-070.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040.

Adopted under notice filed as WSR 01-04-082 on February 7, 2001.

Changes Other than Editing from Proposed to Adopted Version: Added the words "in writing" to subsection (1)(a). Changed the words "in a manner to encourage" in subsection (2) to "or otherwise encourages." These changes are not substantive but are intended to clarify the regulation.

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 1, Amended 0, Repealed 1.

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

May 21, 2001
 Dr. Sylvia P. Mundy
 Commissioner

NEW SECTION

WAC 192-150-100 Employer-initiated layoffs or reductions in force. (1) You will not be considered to have been separated from employment for a disqualifying reason when:

(a) Your employer takes the first action in the separation process by announcing in writing to its employees that:

(i) The employer plans to reduce its work force through a layoff or reduction-in-force, and

(ii) That employees can offer to be among those included in the layoff or reduction-in-force;

(b) You offer to be one of the employees included in the layoff or reduction-in-force; and

(c) Your employer takes the final action in the separation process by accepting your offer to be one of the employees

PERMANENT

included in the layoff or reduction-in-force, thereby ending your employment relationship.

(2) This section does not apply to situations where an employer modifies benefits or otherwise encourages early retirement or early separation, but the employer and employee do not follow the steps in subsection (1)(a) through (c).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-16-070 Interpretive regulations—
Voluntary quit—RCW
50.20.050

WSR 01-12-015
PERMANENT RULES
WENATCHEE VALLEY COLLEGE

[Filed May 25, 2001, 10:25 a.m.]

Date of Adoption: May 23, 2001.

Purpose: Adopt rules, chapter 132W-125 WAC, Withholding services for outstanding debt; chapter 132W-105 WAC, Board of trustees; chapter 132W-109 WAC, Practice and procedure; chapter 132W-112 WAC, Student rights and freedoms; chapter 132W-115 WAC, Student code of conduct and discipline procedure; chapter 132W-117 WAC, Parking and traffic; chapter 132W-277 WAC, Public records; and chapter 132W-325 WAC, Environmental protection.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 01-07-058 on March 19, 2001.

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 98, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 98, 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.

May 23, 2001

William Martin

Dean of Administrative Services

Rules Coordinator

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 01-14 issue of the Register.

WSR 01-12-021

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed May 25, 2001, 12:25 p.m.]

Date of Adoption: May 25, 2001.

Purpose: Reinstate grain inspection program rules and fees for inspection services. Adjust the Washington State Department of Agriculture (WSDA) grain inspection program fee schedule to reflect increases in hourly fees, targeted unit fees, and targeted export tonnage fees for grain and commodity inspection.

Citation of Existing Rules Affected by this Order: Amending [new sections] WAC 16-238-010, 16-238-020, 16-238-030, 16-238-060, 16-238-070, 16-238-082, 16-238-090, 16-238-100, and 16-238-110.

Statutory Authority for Adoption: RCW 22.09.790.

Adopted under notice filed as WSR 01-09-075 on April 17, 2001.

Changes Other than Editing from Proposed to Adopted Version: Inadvertently when fee increases were calculated, one error occurred due to rounding. Therefore, that fee was adjusted downward to come into compliance with the fiscal growth factor provisions of Initiative 601.

Number of Sections Adopted in Order to Comply with Federal Statute: New 9, 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 9, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 9, 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 9, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: (1) Initiative 601; and (2) the United States Department of Agriculture has oversight of fees charged under the federal Grain Inspection, Packers and Stockyards Administration.

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

May 25, 2001

James M. Jesernig

Director

PERMANENT

Chapter 16-238

WSDA Grain Inspection Program—Fee Schedule

NEW SECTION

WAC 16-238-010 Definitions. (1) "Department" means the Washington state department of agriculture.

(2) "Ton" means two thousand pounds avoirdupois.

(3) "Overtime" means any time worked on Saturdays, Sundays, or holidays and all time worked before or after the regularly scheduled working hours, Monday through Friday.

(4) "Fees" means any charge made by the department for inspection and handling of any commodity or for services related to weighing or storage of grains or commodities.

(5) "Occasional work stoppage" means the union stop work meetings usually held once per month.

(6) "USDA" means the United States Department of Agriculture.

(7) "GIPSA/FGIS" means the Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service.

NEW SECTION

WAC 16-238-020 Grain and commodity inspection points. The following cities in the state of Washington are hereby designated as inspection points for the purpose of inspecting and weighing standardized grains, beans, peas, lentils and other commodities: Colfax, Kalama, Olympia, Pasco, Seattle, Spokane, Tacoma and Vancouver.

NEW SECTION

WAC 16-238-030 General provisions for assessment of fees. (1) Straight time fee, per hour, per employee, except GIPSA/FGIS scale authorization services \$26.34. \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

The straight time fee will be assessed where no other fee, guarantee of expenses or contractual agreement exists or is specified in the schedule of fees or in any situation where the fees generated through the service provided are not equivalent to the straight time fee, per hour, per employee, including applicable supervisory and clerical hours.

(2) GIPSA/FGIS scale authorization fee, per hour, per employee \$34.87. \$35.87, effective June 30, 2001; \$36.87, effective July 1, 2001.

The GIPSA/FGIS scale authorization fee, per hour, per employee will be assessed when GIPSA/FGIS scale authorization services are requested or required. Travel time, mileage, per diem, overtime, late notice, call-back, standby and service cancellation fees may be assessed in addition to the hourly fee.

(3) Overtime and night shift rate per hour, per employee \$6.87. \$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

When a service is requested before or after regularly scheduled working hours, Monday through Friday, during

established meal periods on any shift, or anytime on Saturdays, Sundays or holidays, the overtime and night shift rate per hour, per employee, including applicable supervisory and clerical hours, shall be charged in addition to the regular inspection and weighing fees. When an applicant contracts for a permanent night shift(s), the overtime and night shift fee for the night shift(s) will be waived after the initial seven-day notice period expires.

(4) Late notice fee, per hour, per employee \$4.57. \$4.70, effective June 30, 2001; \$4.83, effective July 1, 2001.

Requests for service on Saturdays, Sundays, or holidays, or for work before or after regularly scheduled working hours, Monday through Friday, must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested service. When the request is not received by 2:00 p.m., service will be provided if personnel are available. The late notice fee will be assessed, per hour, per employee, for the hours of the requested service that the department is able to staff.

Note: Service requests that are beyond the normal scope or volume requested at an inspection site must be received by the inspection office no later than 2:00 p.m. of the last regularly scheduled working day prior to the requested date of service. The requested service will be provided if the department is able to locate adequate staff.

(5) Call-back fee, per employee \$22.94. \$23.58, effective June 30, 2001; \$24.22, effective July 1, 2001.

(a) When requests for service are received after the close of business on a regular scheduled working day and the department can locate adequate staff to provide the requested service, a call-back fee will be assessed for each employee scheduled for that shift or service request.

(b) One call-back fee per employee will be assessed for each employee scheduled on a shift on a Saturday, Sunday, or holiday.

(6) Shift request fee, per hour, per employee \$6.87. \$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for establishing a night shift or graveyard shift must be provided in writing. The requested shift(s) will commence seven days after the written request is presented. If the night shift or graveyard shift begins before the seven-day notice period has expired, the shift request fee will be assessed per hour, per employee assigned to the new shift(s) until the seven-day notice period expires.

Locations that are not routinely staffed, due to inconsistent workloads that are inadequate to allow the department to maintain full-time staffing, will be subject to the shift request fee for day shifts in addition to night shifts or graveyard shifts.

At locations where staffing has been reduced, due to a lack of work, below the full-time permanent day shift numbers, and an applicant requests a day shift that will begin before the seven-day notice period has expired, the shift request fee will be assessed, per hour, per employee, until the seven-day notice period has expired for the personnel above the current permanent staff number that are necessary to staff the requested day shift work.

PERMANENT

(7) Shift cancellation fee, per hour, per employee \$6.87.
.. \$7.06, effective June 30, 2001; \$7.25, effective July 1, 2001.

Requests for cancellation of an applicant requested night shift or graveyard shift must be provided, in writing, at least twenty-one days prior to the cessation date. If the applicant does not provide the full twenty-one day notice, the shift cancellation fee will be assessed for all hours that the assigned staff would have worked until the twenty-one day notice period expires.

Locations that are not routinely staffed, due to inconsistent schedules, or at locations that are inadequately staffed due to a lack of work, will be assessed the shift cancellation fee for all shifts where the full twenty-one day cancellation notice period is not provided.

(8) Standby fee, four-hour minimum, per hour, per employee \$28.77.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

When a service is requested before or after the inspection office's established standard workday, Monday through Friday or anytime on Saturdays, Sundays, or holidays, and the service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee; except as follows.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent work schedules or a lack of work, and the department is able to staff appropriate personnel to accommodate the service requested by the applicant, and the requested service cannot be performed through no fault of the department, the four-hour minimum standby fee will be assessed, per employee.

When service is requested that commences within two hours of the regular starting time of a shift or ends within two hours of the regular ending time of a shift, and the service cannot be performed through no fault of the department, the standby fee will be assessed on a per hour, per employee basis.

The standby fee will be assessed, per hour, per employee, for all hours over the four-hour minimum that continue to be staffed at the request of the applicant.

(9) Service cancellation fee, per employee . . . \$115.08.
\$108.36, effective June 30, 2001; \$111.36, effective July 1, 2001.

When a service is requested before or after working hours, Monday through Friday or anytime on a Saturday, Sunday or holiday, and a cancellation of the request is not received by 2:00 p.m. of the last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

When service is requested at locations that are not routinely staffed on a Monday through Friday basis, due to inconsistent schedules or at locations that are inadequately staffed due to a lack of work, and a cancellation of the request is not received by 2:00 p.m. of the inspection office's last regularly scheduled working day prior to the requested service, the service cancellation fee will be assessed, per employee.

(10) Guarantee of expense. When a service is requested that requires assignment of personnel at a facility where the volume of work at the established fees is not adequate to pay the cost of providing the service, a guarantee of the expense of providing the service is required.

(11) Guaranteed staffing levels. An applicant may enter into an agreement with the department at guaranteed staffing levels and negotiated minimum hours and unit fees, provided the department has adequate trained personnel to accommodate the request.

(12) Revenue insufficiency - export locations. When the lot size or workload is not of sufficient size to generate revenue equivalent to the straight time fee, per hour, per employee, an additional fee shall be assessed so that total revenue generated on a daily basis is equal to the straight time fee, per hour, per employee: Provided, That such revenue insufficiency may be established on the basis of the average hourly revenue generated at the work site over the Monday through Sunday work week (weekly averaging), upon written request of the applicant for service. In the absence of such request, fees shall be assessed on a daily basis.

Note: The weekly averaging computation utilizes the prior week's invoices representing shiplots completed before the start of business on Monday and does not include fees assessed for GIPSA/FGIS scale authorization, overtime, late notice, call-back, standby, shift request, or shift cancellation.

(13) Official commercial inspection services. Official commercial inspection services may be provided, on-site, at the applicant's request, when:

- (a) Appropriate space, equipment and security can be provided by the applicant;
- (b) The applicant provides a full definition of the requested services;
- (c) The program is able to provide appropriate licensed personnel to accomplish the defined, requested service; and
- (d) A guarantee of expense can be negotiated.

Note: The applicant must fully define the requested services so the department can determine appropriate staffing levels and create a guarantee of expense proposal.

(14) Travel time, mileage, per diem. When service requests are performed at other than the established grain and commodity inspection points, or qualified personnel to provide the requested service must travel from a different inspection point to the service location, the applicant may be assessed:

(a) Travel time from the established inspection point to the service location and return, at the appropriate fee(s) cited in WAC 16-238-030, per employee; and

(b) Mileage from the established inspection point to the service location and return, at the state of Washington's current general administration private vehicle mileage reimbursement rate.

(c) In addition, if the travel is of sufficient duration, an amount equal to the established state of Washington per diem rates provided to the employee(s) in travel status will be assessed to the applicant.

(15) Timely payment. Payment of fees and charges is due within thirty days after the date of the statement.

PERMANENT

- (a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or
- (b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and
- (c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

NEW SECTION

WAC 16-238-060 Fees for official sampling, inspection, and/or weighing services under the United States Grain Standards Act. (1) Fees for combination inspection and weighing services:

- (a) From barges or waterborne vessel to elevator, per ton. \$0.128.
- (b) Bin transfers, per ton. \$0.128.
- (c) From elevator to ocean-going vessel:
 - (i) First 3,000,000 short tons per fiscal year, per ton. \$0.128.
\$0.131 effective June 30, 2001; \$0.134, effective July 1, 2001.
 - (ii) From 3,000,001 to 5,000,000 short tons per fiscal year, per ton \$0.131.
 - (iii) From 5,000,001 to 6,500,000 short tons per fiscal year, per ton \$0.128.
 - (iv) Over 6,500,000 short tons per fiscal year, per ton. \$0.120.

Note: The tonnage assessment is applied in full lot increments and is reset at the beginning of each fiscal year. The fiscal year begins July 1 and ends the following June 30.

- (d) From elevator to unit trains or from unit trains to elevator, per ton \$0.128.

(2) Fees for official sampling and inspection, without weighing; or sampling only without weighing, of:

- (a) Carlots sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

Note: The per car fee will be assessed for each carlot included in a batch when an applicant requests batch grading of railcars sampled by diverter-type mechanical sampler.

- (b) Carlots, sampled by USDA approved grain trier, original inspections, subsequent original inspections, and new sample reinspections, per car \$24.00.
\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

- (c) Trucklots, sampled by approved grain trier, original or new sample reinspections, per truck \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

- (d) Reinspections, based on official file sample, per sample, except Canola \$9.00.
\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided on an hourly fee basis.

- (e) Bagged grains, per hundredweight (cwt). . . \$0.065.
\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: Factor-only reinspections available at the established reinspection fee, contingent on GIPSA/FGIS approval of the factor-only reinspection service option.

Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published.

(3) Fees for official Class X weighing service; without inspection:

- (a) From elevator to conveyance, except trucks, per ton. \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.
- (b) From conveyance to elevator, except trucks, per ton. \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.
- (c) Bin transfers, per ton \$0.107.
\$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.
- (d) Trucks, per weight lot \$7.50.
\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:

- (a) Class Y weighing services, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
- (b) Checkweighing of bagged grain, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
- (5) Fees for inspection of submitted samples:
 - (a) Analysis under the United States Grain Standards Act, except Canola, per inspection. \$7.75.
\$7.97, effective June 30, 2001; \$8.00, effective July 1, 2001.

Note: Submitted sample certificates of grade for barley may show, on request, dockage to the nearest one-tenth percent without additional charge.

- (b) Canola, per inspection. \$14.20.
\$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determination of erucic acid, and/or glucosinolate, and/or oil content of Canola are equivalent to the USDA published fees.

- (c) Reinspections, based on official file sample, per sample, except Canola \$9.00.
\$9.25, effective June 30, 2001; \$9.50, effective July 1, 2001.

Note: Canola reinspections are provided as an hourly fee service. When submitted samples are not of sufficient size to allow for official grade analysis, obtainable factors may be provided, upon request of the applicant, at the factor-only rate shown in subsection (6) of this section.

(6) Fees for factor analysis:

- (a) Nongrade determining factors requested by applicant, in addition to the original inspection grade results, per factor \$2.50.

PERMANENT

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(b) Nongrade determining factors requested in shipload-
ing subplot analysis, per factor. \$2.50.

\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(c) Factor only determinations, per factor. \$2.50.
\$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

Note: A maximum of three factors will be available at the factor-
only fee. Applicants requesting more than three factors will
be assessed the appropriate submitted sample rate shown in
subsection (5) of this section.

(7) Fees for official constituent analysis via near-infrared
transmittance (NIRT) technology:

(a) In conjunction with official inspection for grade, per
test \$6.25.

\$6.42, effective June 30, 2001; \$6.50, effective July 1, 2001.

(b) Not in conjunction with official inspection for grade,
per test \$8.50.

\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

(c) Reinspection based on official file sample, per
test \$8.50.

\$8.74, effective June 30, 2001; \$8.80, effective July 1, 2001.

Note: When a reinspection service includes a request for a new
sample, the appropriate sampling fee in subsection (2) of
this section will be assessed in addition to the fee cited in (c)
of this subsection.

(8) Fees for qualitative or quantitative testing for the
presence of mycotoxins via USDA approved "ELISA" or
"Fluorometric" methods:

(a) Official sample or new sample reinspection, includ-
ing official sampling, per test. \$37.50.

(b) Submitted samples and reinspections based on offi-
cial file sample, per test \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatog-
raphy or equivalent USDA approved technology available
at the USDA published rate.

(9) Fees for stowage examination services on vessels or
ocean-going barges:

(a) Initial inspection, five hold/stowage space/tank max-
imum, minimum fee. \$120.00.

\$123.44 effective June 30, 2001; \$126.50 effective July 1, 2001.

(b) Initial inspection, above five hold/stowage
space/tank maximum, per hold/stowage space/tank . \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(c) Return to hold/stowage space/tank during inspection
service, per hold/stowage space/tank \$24.00.

\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.

(d) Subsequent inspections, three hold/stowage
space/tank maximum, minimum fee \$72.00.

\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.

(e) Subsequent inspection, above three hold/stowage
space/tank maximum, per hold/stowage space/tank . \$24.00.

(f) Travel time, midstream or at a nongrain loading berth,
two-hour minimum per inspection request, per hour, per
employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(g) Stowage examination services requested on a Satur-
day, Sunday, or holiday, four-hour minimum, per hour, per
employee \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted
at the convenience of the designated grain inspection office
during daylight hours under safe working and weather con-
ditions. The applicant is responsible for securing licensed
tug or water taxi to provide safe transportation to and from
the anchor point. Two vessel or ship's agent representatives
will accompany each WSDA inspector performing stowage
examination services. Appropriate fees contained in WAC
16-238-030 may be assessed in addition to the fees noted in
(a) through (f) of this subsection.

(10) Fees for other stowage examination services:

(a) Sea van containers, when not in conjunction with
checkloading service, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

(b) Railcars, trucks, or other containers, per railcar, not
in conjunction with loading, per inspection \$8.10.

\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.

Note: Fees for stowage examination service will not be assessed
when official sampling and inspection, or official weighing
occurs at the time of loading, unless the applicant requests
an official stowage examination certificate. The stowage
examination requirement associated with service at the time
of loading may be waived in accordance with GIPSA/FGIS
Directive 9020.1.

(11) Fees for phytosanitary certification:

(a) In conjunction with official inspection, per
certificate \$6.75.

\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to
produce the requested certificate.

(b) When not in conjunction with official inspection, add
required sampling time, per hour per employee. . . . \$26.34.

\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(12) Fees for miscellaneous services:

(a) Waxy corn, per analysis \$12.75.

\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.

(b) Ship composite samples, initial set of three provided
to applicant.

(c) Ship composite samples, in excess of (b) of this sub-
section, when requested in advance, per sample \$5.25.

PERMANENT

\$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(d) Divided original certificates or letterhead statements, per certificate or letterhead statement \$1.50. \$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.

(e) Extra copies of certificates or letterhead statements, per certificate or letterhead statement \$3.00. \$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

(f) Facsimile transmissions, per page \$1.00. \$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.

(g) Mailing of samples, at cost, minimum fee . . . \$2.00. \$2.05, effective June 30, 2001; \$2.10, effective July 1, 2001.

(h) Sample pickup fee, on department established routes, per sample \$0.60. \$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

Other services under the United States Grain Standards Act not specifically identified in WAC 16-239-060 will be provided under the appropriate subsection(s) of WAC 16-238-030 and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant provided supplies and/or equipment.

NEW SECTION

WAC 16-238-070 Fees for official services under the Agricultural Marketing Act of 1946. (1) Fees for combination inspection and weighing services:

(a) Bulk commodities under federal or state standards, per ton. \$0.128. \$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(b) Bulk commodities, factor determinations, per ton. \$0.128. \$0.131, effective June 30, 2001; \$0.134, effective July 1, 2001.

(c) Sample and weigh grain by-products into thirty ton maximum containers, including stowage examination \$15.00. \$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(2) Fees for official sampling and inspection without weighing; or sampling only without weighing, of:

(a) Bulk carlots, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50. \$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(b) Bulk carlots, sampled by USDA approved grain trier, per car. \$24.00. \$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(c) Bulk trucklots or containerlots, sampled by USDA approved grain trier, per truck or containerlot. \$15.00. \$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(d) Inspection of bagged commodities, per hundred-weight (cwt) \$0.065. \$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

Note: A minimum fee equivalent to the hourly fee cited in WAC 16-238-020 is assessed for bagged and bulk commodity sampling and inspection, or sampling only services.

(3) Fees for official weighing service, without inspection:

(a) From elevator to conveyance, except trucks, per ton. \$0.107. \$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(b) From conveyance to elevator, except trucks, per ton. \$0.107. \$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(c) Bin transfers, per ton \$0.107. \$0.110, effective June 30, 2001; \$0.112, effective July 1, 2001.

(d) Trucks, per weight lot \$7.50. \$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(4) Fees for other official weighing services:

(a) Checkweighing of bagged commodities, per hour, per employee \$26.34. \$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(5) Fees for inspection of submitted samples:

(a) Standardized commodities, thresher run or processed, per sample \$14.20. \$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

(b) Commodities inspected under GIPSA/FGIS factor-only inspection procedures, per sample \$14.20. \$14.60, effective June 30, 2001; \$15.00, effective July 1, 2001.

Note: Fees for laboratory determinations of commodity constituents are assessed at the USDA published rate or at cost from the service provider.

(6) Fees for factor analysis:

(a) Nongrade determining factors requested by applicant, in addition to the original inspection results, except moisture, per factor \$2.50. \$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(b) Moisture only, per determination \$5.25. \$5.40, effective June 30, 2001; \$5.50, effective July 1, 2001.

(c) Nongrade determining factors requested in shiploading subplot analysis, per factor \$2.50. \$2.57, effective June 30, 2001; \$2.60, effective July 1, 2001.

(d) Factor-only determinations, first two factors. \$3.00. \$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.

PERMANENT

Note: Additional factors available at the per factor fee in (a) of this subsection. Applicants requesting more than five factors will be assessed the submitted sample rate in subsection (5) (a) of this section for the requested factors. When submitted samples are not of sufficient size to allow for official grade analysis, factor-only analysis will be available, on request of the applicant.

(7) Fees for qualitative or quantitative testing for the presence of mycotoxins via USDA approved "ELISA" or "Fluorometric" methods:

- (a) Official samples and new sample reinspections, including official sampling, per test \$37.50.
- (b) Submitted samples and reinspections based on official file sample, per test \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Mycotoxin testing services utilizing thin layer chromatography or equivalent USDA approved technology will be available at the USDA published rate.

(8) Fees for stowage examination services on vessels or ocean-going barges:

- (a) Initial inspection, five hold/stowage space/tank maximum, minimum fee \$120.00.
\$123.44, effective June 30, 2001; \$126.50, effective July 1, 2001.
- (b) Initial inspection, above five hold/stowage space/tank maximum, per hold/stowage space/tank . \$24.00.
\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.
- (c) Return to hold/stowage space/tank during inspection service, per hold/stowage space/tank \$24.00.
\$24.68, effective June 30, 2001; \$25.30, effective July 1, 2001.
- (d) Subsequent inspection, three hold/stowage space/tank maximum, minimum fee \$72.00.
\$74.06, effective June 30, 2001; \$75.90, effective July 1, 2001.
- (e) Subsequent inspection, above three hold/stowage space/tank maximum, per hold/stowage space/tank . \$24.00.
- (f) Travel time, midstream or at a nongrain loading berth, two-hour minimum per inspection request, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
- (g) Stowage examination services provided on a Saturday, Sunday, or holiday, four-hour minimum, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: At anchor stowage examination services will be conducted at the convenience of the designated grain inspection office during daylight hours under safe working and weather conditions. The applicant is responsible for securing licensed tug or water taxi to provide safe transportation to and from the anchor point. Two vessel or ship's agent representatives will accompany each WSDA inspector performing stowage examination services. Appropriate fees contained in WAC 16-238-030 may be assessed in addition to the fees noted in (a) through (f) of this subsection.

(9) Fees for other stowage examination services:

- (a) Sea van containers, when not in conjunction with checkloading service, per inspection \$8.10.
\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.
- (b) Railcars, trucks, or other containers, per railcar, truck or other container \$8.10.
\$8.33, effective June 30, 2001; \$8.50, effective July 1, 2001.
- (10) Fees for phytosanitary certification:
 - (a) In conjunction with official inspection, per certificate \$6.75.
\$6.94, effective June 30, 2001; \$7.13, effective July 1, 2001.

Note: Hourly fees may be assessed for research necessary to produce the requested certificate.

- (b) When not in conjunction with official inspection, add required sampling time, per hour per employee. . . . \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

(11) Fees for miscellaneous services:

- (a) Falling numbers determinations, per determination \$12.75.
\$13.11, effective June 30, 2001; \$13.40, effective July 1, 2001.
- (b) Liquefaction number, per determination \$0.50.
\$0.51, effective June 30, 2001; \$0.52, effective July 1, 2001.
- (c) Divided original certificates or letterheads, per certificate or letterhead \$1.50.
\$1.54, effective June 30, 2001; \$1.58, effective July 1, 2001.
- (d) Extra copies of certificates or letterheads, per certificate or letterhead \$3.00.
\$3.08, effective June 30, 2001; \$3.16, effective July 1, 2001.
- (e) Sanitation inspections at commodity processing sites, initial inspection no charge.
- (f) Sanitation inspections, return to failed facility, four-hour minimum, per hour, per employee. \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.
- (g) Sampling of processed commodities, two-hour minimum, per hour, per employee \$26.34.
\$27.09, effective June 30, 2001; \$27.84, effective July 1, 2001.

Note: Laboratory fees associated with processed commodity lots will be assessed per the GIPSA/FGIS rates. Postage and other costs for sample delivery to the appropriate analyzing laboratory will be assessed to the applicant for service.

- (h) Facsimile transmissions, per page \$1.00.
\$1.02, effective June 30, 2001; \$1.04, effective July 1, 2001.
- (i) Mailing of samples, at cost, minimum fee . . . \$2.00.
\$2.05, effective June 30, 2001; \$2.10, effective July 1, 2001.
- (j) Sample pickup fee, on department established routes, per sample \$0.60.
\$0.61, effective June 30, 2001; \$0.62, effective July 1, 2001.

PERMANENT

Other services under the Agricultural Marketing Act of 1946 not specifically identified in WAC 16-238-070 will be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the official service or analysis. New or special analysis requests may require applicant-provided supplies and/or equipment.

NEW SECTION

WAC 16-238-082 Fees for services performed under state regulation or standards or "as specified" by the applicant for service when no official standards exist. (1) Inspection of miscellaneous agricultural commodities under chapter 16-213 WAC:

(a) Submitted sample inspection, cultivated buckwheat, Washington state grade or for factor-only analysis, per sample \$7.50.
\$7.71, effective June 30, 2001; \$7.92, effective July 1, 2001.

(b) Bulk carlots, cultivated buckwheat, sampled by USDA approved diverter-type mechanical samplers, per car \$15.50.
\$15.94, effective June 30, 2001; \$16.00, effective July 1, 2001.

(c) Bulk carlots, cultivated buckwheat, sampled by USDA approved grain trier, per car \$24.00.
\$24.68, effective June 30, 2001; \$25.00, effective July 1, 2001.

(d) Bulk trucklots or containerlots, cultivated buckwheat, sampled by USDA approved grain trier, per truck or containerlot. \$15.00.
\$15.43, effective June 30, 2001; \$15.80, effective July 1, 2001.

(e) Cracked corn, corn screenings, and mixed grain screenings sampling, inspection and weighing services are available at the fees cited in WAC 16-238-060.

(f) Bagged commodities, per hundredweight (cwt) \$0.065.
\$0.066, effective June 30, 2001; \$0.067, effective July 1, 2001.

(2) Fees for miscellaneous services:

(a) Unofficial constituent analysis via near-infrared transmittance (NIRT) technology available at the fees cited in WAC 16-238-060.

(b) Laboratory analysis of commodities covered in WAC 16-238-082, or for the analysis of constituents or conditions of grains or commodities not provided for in the official standards or specifically addressed in WAC 16-238-060 or 16-238-070 may be available as an unofficial service. If available, the services will be provided under the appropriate section(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis.

Services not specifically identified in WAC 16-238-082 may be provided under the appropriate subsection(s) of WAC 16-238-030, and/or at the published rates of the laboratory or organization providing the service or analysis. New or spe-

cial analysis requests may require applicant provided supplies and/or equipment.

NEW SECTION

WAC 16-238-090 Covered commodities. Commodities covered under chapter 22.09 RCW in respect to sampling, inspection, weighing, and quality or constituent determinations shall include all grains with standards or inspection criteria established under the United States Grain Standards Act, all commodities with standards or inspection criteria established under the Agricultural Marketing Act, all commodities with standards or inspection criteria established under Washington state standards, and the by-products resulting from conditioning or processing the above grains and commodities.

NEW SECTION

WAC 16-238-100 Grades and standards. The grades and standards established by the United States Department of Agriculture as of August 1, 1984, and subsequently, for all grains and commodities included within the provisions of this chapter, are hereby adopted. In addition, the procedures to sample, grade, test and weigh grains and commodities, established by the regulations and instructions under the United States Grain Standards Act and the Agricultural Marketing Act of 1946, are hereby adopted for this state.

NEW SECTION

WAC 16-238-110 Scales. United States Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Federal Grain Inspection Service (USDA, GIPSA, FGIS) delegated official scale testing and authorization authority to the Washington state department of agriculture in July of 1984. Scales under USDA, GIPSA, FGIS jurisdiction are required to be tested and certified for accuracy at least twice per year by an authorized Washington state department of agriculture scale expert or USDA, GIPSA, FGIS scale specialist. When scales are tested by the department or by USDA, GIPSA, FGIS, a seal shall be placed on the scales. The seal shall be dated and shall indicate approval or rejection. When scales are tested, a copy of a scale test report shall be forwarded to the USDA, GIPSA, FGIS and copies shall be maintained by the department and at the facility where the scale is located.

WSR 01-12-022

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed May 25, 2001, 2:27 p.m.]

Date of Adoption: May 25, 2001.

Purpose: To set fees for geologists licensing services provided by the Department of Licensing.

Statutory Authority for Adoption: Chapter 18.220 RCW.

PERMANENT

Adopted under notice filed as WSR 01-07-100 on March 21, 2001.

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 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.

May 25, 2001

Alan E. Rathbun
Assistant Director

NEW SECTION

WAC 308-15-150 Fees.

Type of Fee	Amount
Geologist License	
Application fee	100.00
Application fee - Reciprocity	200.00
Initial License	100.00
Examination	
Fundamentals of Geology (vendor charge)	125.00
Practice of Geology (vendor charge)	150.00
Administration fee for reexamination	65.00
Review of Examination	
Manual regrade (vendor charge)	50.00
Administrative fee for regrade	15.00
Late fee (if examination is scheduled less than 30 days prior to Examination date - vendor charge)	25.00
Specialty License	
Specialty fee (if you are also applying for geologist license)	
Application fee - 1 Specialty	200.00
Application fee - 2 Specialties	300.00
Application fee - Reciprocity - 1 Specialty	350.00
Application fee - Reciprocity - 2 Specialties	500.00
Initial license - 1 Specialty	185.00
Initial license - 2 Specialties	270.00

Type of Fee	Amount
Fee per Specialty (if you are a licensed geologist)	
Application fee	100.00
Application fee - Reciprocity	150.00
Initial license	85.00
Examination fee per Specialty	300.00
Examination review	100.00
Renewal Fees	
Annual Renewal fee (geologist)	100.00
Additional fee for late renewal (geologist)	100.00
Annual Renewal fee (geologist plus 1 specialty)	185.00
Additional fee for late renewal (geologist plus 1 specialty)	185.00
Annual Renewal fee (geologist plus 2 specialties)	270.00
Additional fee for late renewal (geologist plus 2 specialties)	270.00
Miscellaneous Fees	
Duplicate License or Wall Certificate	25.00
Certification of license records to other jurisdictions	45.00
Proctor Examination in another Jurisdiction	100.00

PERMANENT

**WSR 01-12-023
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed May 25, 2001, 2:28 p.m.]

Date of Adoption: May 25, 2001.

Purpose: To establish WAC chapters for implementation of the geologist licensing program in the Department of Licensing.

Statutory Authority for Adoption: Chapter 18.220 RCW.

Adopted under notice filed as WSR 01-07-101 on March 21, 2001.

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 14, 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.

May 25, 2001

Alan E. Rathbun
Assistant Director

NEW SECTION

WAC 308-15-010 State board of licensing. (1) **Meetings:** The Washington state geologist licensing board, hereafter called the board, will hold its regular public meeting annually in March. Special public meetings may be held at such times and places as the board may find necessary. Public notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

(2) **Rules of order:** The latest edition of *Robert's Rules of Order* will govern the conduct of business at meetings and sessions of the board.

(3) **Officers:** The board will elect a chair, a vice-chair and a secretary. Beginning with the March 2002 meeting, the board will elect officers for the ensuing year at its regular annual meeting.

(4) **Quorum:** A quorum at any regular or special meeting or session will consist of four members of the board.

(5) **Licensed geologists:** The board will maintain a roster of licensed geologists.

NEW SECTION

WAC 308-15-020 Definitions. (1) **"Geological work of a character satisfactory to the board"** means that the applicant's qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.

(2) **"Professional specialty practice of a character satisfactory to the board"** means that the applicant has qualifying work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, and required

knowledge, skills and abilities for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-090.

(3) **"Year of professional practice"** means at least 1600 hours of work in the practice during a year. Examples of a "year of professional practice" include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.

(4) **"Year of professional specialty practice"** means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (3) of this section.

(5) **"Geologic interpretation," as applied to the practice of geology and its specialties,** is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(6) **"Geologic mapping"** is the process by which geologic observations, data and interpretations are gathered, located and portrayed, such as in plan view and on cross-sections. Information and data are gathered in a format on geologic maps and cross-sections, at a level of detail and at a frequency of data points appropriate for the application and the scale of the portrayal.

(7) **"Grandparenting"** means the issuance of a license as a geologist, engineering geologist, or hydrogeologist within one year after July 1, 2001, or for licensing in a new specialty within one year of recognition of the specialty by the board, without further written examination, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

(8) **"Reciprocity"** means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

NEW SECTION

WAC 308-15-030 How do I apply for a geologist license? (1) Contact the board to obtain the application forms and instructions.

(2) Review the available options for licensure:

(a) Examination in WAC 308-15-050;

(b) Reciprocity in WAC 308-15-060; and

(c) Grandparenting in WAC 308-15-020(7).

If you are applying for licensure by examination, your application must be received by the date specified in the application instructions.

(3) Solicit references and transcripts in the format and on the forms as specified in the application instructions.

(4) Send your application forms to the address noted on the form, along with applicable fees, references and transcripts.

NEW SECTION**WAC 308-15-040 What are the minimum requirements to be eligible for a geologist or specialty license?**

You are eligible for licensure as a professional geologist or specialist if you meet the following minimum requirements:

- (1) You are of good moral character, as attested to by two references.
- (2) You have graduated from an accredited college or university with a degree in geology, engineering geology, hydrogeology or one of the related geological sciences, or educational equivalents, and completed a minimum of 30 semester/45 quarter hours or their equivalent of course work in geological science. This includes classes in physical geology, historical geology, structural geology, mineralogy/petrology and sedimentary geology/stratigraphy. If you do not meet these requirements, you must demonstrate to the board that you have completed educational equivalents. You must document your college or university educational experience by submitting official sealed transcripts to the board.
- (3) You have at least five years of professional geological or specialty practice or, if applying for a specialty, five years of specialty practice satisfactory to the board, after receipt of a bachelor's degree. The following education and experience criteria qualify toward accumulation of the required years of professional work:
 - (a) You will receive up to two years' credit, one year for each year of full time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences, as documented in the transcripts provided;
 - (b) You must have at least three years of geological experience under the supervision of state-licensed geologists or specialty geologists or others who, in the opinion of the board, are qualified to have responsible charge as provided by the information supplied on forms provided by the board.
 - (i) Your geological experience may include geological research or teaching at the university or college level which, in the judgment of the board, is comparable to experience obtained in the practice of geology or a specialty.
 - (ii) If requested by the board, you may be required to submit one or more reports which were prepared by you or where you contributed to their preparation.
 - (c) If you are applying under the grandparenting provisions in this chapter, you may comply with this requirement by providing documentation of geological experience where you were the person in responsible charge and meet the requirements in (b) of this subsection.
 - (4) You must have passed a geologist examination and, if applying for a specialty, a specialty examination, unless you are eligible for licensure by grandparenting. All examinations must be adopted by or acceptable to the board.

NEW SECTION

WAC 308-15-050 What is the examination process to be licensed as a geologist? (1) Beginning July 1, 2002, you will be required to take and pass an examination to become a licensed geologist in the state of Washington.

(2) The board has adopted the national Association of State Boards of Geology (ASBOG) standardized examina-

tion. You will be notified of the date and time of the examination when you receive your application packet.

(a) **Nature of the examination:** Information on the examination is available on the ASBOG website. The examination currently consists of two parts: Fundamentals of Geology (FG) and Practice of Geology (PG). Each part of the examination is four hours long.

(b) **Testing location and date:** The location and testing date will be posted on the department of licensing's geologist website. The examination is administered every March and September.

(c) **Applying for the examination:** To apply for the examination, you must submit the following to the board:

- (i) Completed state geologist licensing application form;
 - (ii) Professional and personal references required to document five years of professional experience; and
 - (iii) Official sealed transcripts.
- (3) **Fees:** You must send in your examination and application fees with your application. The application must be received by the date specified in the application instructions. If you do not meet the requirements for licensing, only your examination fees will be refunded. Fees are listed in WAC 308-15-150.

(4) **Special accommodations:** If you have a disability, the board will provide accommodations consistent with the Americans with Disabilities Act. You should request special accommodations at least ninety days prior to the examination date.

(5) **Notification of scoring:** The board will notify you by mail of your examination score within ninety days of taking the examination.

(6) **Failing the examination:** If you fail the examination, for a fee you can request:

- (a) A report showing the failed subject areas; or
- (b) To review the examination, question by question, at a location specified by the board. You will be allowed to see the test and review those questions you failed and those you answered correctly. An answer key is not provided and you are not allowed to keep or copy the examination.

(7) **Retake of examination:** You must submit a request on a form provided by the board and the required fees to retake either part of the examination.

NEW SECTION

WAC 308-15-060 How do I obtain a geologist or specialty license by reciprocity. To obtain a license as a geologist or specialty geologist without further examination, you must meet all of the following criteria:

(1) Your education and experience qualifications must meet the requirements of WAC 308-15-040 and, if applying for specialty geologist license, WAC 308-15-090;

(2) You currently must hold a valid geologist or specialty geologist license, registration, or certification issued by a state or jurisdiction approved by the board; and

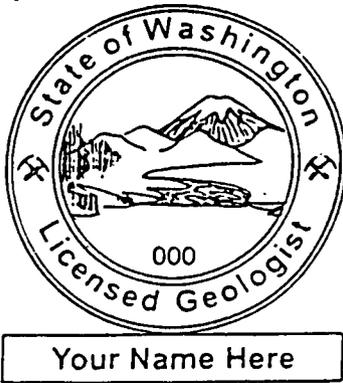
(3) You must have passed the geologist examination adopted by or acceptable to the board. If you are applying for a specialty geologist license, you must also have passed a

specialty geologist examination adopted by or acceptable to the board.

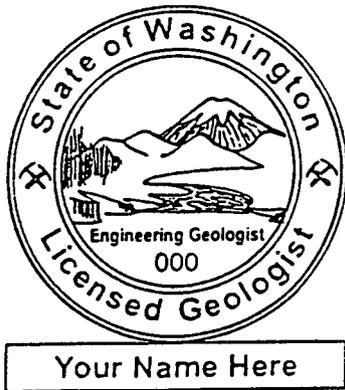
NEW SECTION

WAC 308-15-070 Do I need a stamp? Upon licensure, you must obtain a stamp bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the stamp. Facsimiles of the stamps of the designs authorized by the director are shown below.

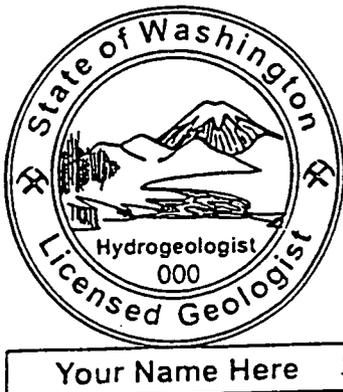
Geologist stamp here



Engineering geologist stamp here



Hydrogeologist stamp here



NEW SECTION

WAC 308-15-075 When do I need to use my stamp?

(1) You must stamp, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped, signed and dated. Unbound final figures, maps, and plates must be individually stamped, signed and dated.

(b) Preliminary or draft geology or specialty geology work does not have to be stamped, but the documents and all associated figures, maps, and plates must be clearly marked as preliminary or draft.

(2) You must stamp, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction. Preliminary or draft geology or specialty geology design and specification drawings do not have to be stamped, but each design and specification must be clearly marked as preliminary or draft.

(3) If you stamp, sign and date work that you have only reviewed, you are responsible to the same extent as if you prepared the report, design or specification.

NEW SECTION

WAC 308-15-080 What do I need to know about renewing or reinstating my license? (1) **Term of license:**

Your license will be issued for a period of one year.

(2) **Address changes:** Your renewal notice will be sent to the address of record. You must notify the geologist licensing board in writing within thirty days of any address changes.

(3) **Renewal date:** Your license renewal date will be your birth date.

(a) If your license is issued during the first year of the program (July 1, 2001, through June 30, 2002), your renewal date will be the first birth date to occur after July 1, 2002. However, if your next birth date is within three months of the initial date of issuance of the license, your original license will expire on the second birthday following issuance of your original license.

(b) If your license is issued after June 30, 2002, your renewal after the first year of the program will be for a one-year period, due on your birth date. However, if your next birth date is within three months of the initial date of issuance of your license, your license will expire on the second birthday following issuance of your original license.

(4) **Renewal fee and late fee:** You must pay the prescribed renewal fee to the department of licensing on or before the expiration date. If you fail to pay your license renewal fee within ninety days following the expiration date, you must pay the renewal fee plus a late fee equal to one additional year's renewal fee.

(5) **Reinstatement:** In addition to the fees outlined in subsection (4) of this section, if you fail to pay a renewal fee for a period of five years or more, you may be reinstated upon payment of all delinquent renewal fees, the current year's

PERMANENT

renewal fee, and a late fee equal to an additional year's renewal fee. In addition to the payment of delinquent fees and a reinstatement fee, you must submit the following:

- (a) A summary of the current law and rules governing geologists;
- (b) A professional resume of your geologist activities during the delinquent period, including licensure in another jurisdiction, with sufficient detail to demonstrate to the board that your skills have been maintained; and
- (c) A detailed explanation of the circumstances surrounding the reason you allowed your license to expire.

NEW SECTION

WAC 308-15-090 What are the specialty licenses, qualifications and processes for licensure? (1) The types of specialty licenses are engineering geologist and hydrogeologist. In addition to being a licensed geologist, if your practice is predominantly specialty geologic work as outlined in (a)(i) and (ii) or (b)(i) and (ii) of this subsection, you must have a license to practice the specialty.

(a) **Engineering geologist.**

(i) **Elements of the engineering geologist specialty:** In addition to tasks commonly performed by licensed geologists, the practice of engineering geology includes the designation and classification of geotechnical soil and rock units using engineering soil and rock classification systems. The relationship between the strength characteristics of soil and rock, the effects of ground and surface water and current and past surficial geologic processes, including slope, fluvial and coastal processes, as well as deep-seated geologic processes such as volcanic activity and seismicity, on landform development are interpreted. Geotechnical zones or domains are designated for each site or area based on soil and rock strength characteristics, common landforms, related geologic processes or other pertinent factors. Proposed developmental modifications such as removing vegetation, using various types of earth materials in construction, applying loads to foundations, constructing cut or fill slopes, and modifying ground or surface water characteristics, are then evaluated and, where appropriate, analyzed to predict likely changes in types and rates of surficial geologic processes. Surficial and deep-seated geologic processes are likewise evaluated and analyzed to predict their effect on proposed development or use.

(ii) **Typical engineering geologic applications and types of projects:** Engineering geology is applied during all project phases, from project conception through planning, design, construction and, where warranted, closure. Planning-level engineering geology work is commonly conducted in response to forest practice regulations, critical areas ordinances for various jurisdictions, and the State Environmental Policy Act. Typical planning-level engineering geology applications include: Timber harvest planning, proposed siting of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails and utilities. Site-specific civil engineering projects where engineering geologic services are commonly applied include: Road, trail and railroad cuts,

fills, and tunnels; foundations for bridges and other drainage structures; retaining walls, dams, buildings, water towers, power transmission line towers, slope, channel and shoreline stabilization facilities, fish ladders, ski lifts and other structures; landings for logging; airport landing strips, rock bolt systems and blasting plans.

(iii) **Knowledge, skills and abilities required for licensure as an engineering geologist:** In addition to being licensed as a geologist in the state of Washington, you must also possess the following knowledge, skills and abilities in order to be licensed as an engineering geologist:

(A) Knowledge of the geology of the state of Washington; (B) Skill and ability in use of geotechnical field classification systems for soil and rock;

(C) Ability to recognize landforms resulting from surficial and deep-seated geologic processes;

(D) Knowledge of and ability to evaluate and analyze soil and rock mechanical relationships related to geologic materials and surficial geologic processes;

(E) Knowledge of the appropriate application of geotechnical laboratory testing methods;

(F) Ability to interpret and portray engineering geologic information and data three-dimensionally, at a scale appropriate for site-specific application; and

(G) Knowledge and understanding of the principles of grading codes, as well as critical areas, shoreline and other pertinent regulations.

(b) **Hydrogeologist.**

(i) **Elements of the hydrogeologist specialty.** In addition to tasks commonly performed by licensed geologists, the practice of hydrogeology involves the study of the movement of water and other fluids through geologic materials, the mechanical, physical, chemical, and thermal interaction of fluids with geologic materials, and the transport of energy and chemical constituents by fluids in the subsurface.

(ii) **Typical hydrogeologic applications and types of projects.** Typical applications include regional or basin ground water resource quantity and quality characterization and development; protection of ground water resources; waste site subsurface characterization; design of vadose and saturated zone cleanups; design, testing, and construction supervision of test, production, recharge, injection, remediation, dewatering and resource protection wells; fluid flow and transport modeling; dewatering system design; and evaluation of potential impacts caused by proposed activities on the quantity and quality of ground water and potential mitigations.

(iii) **Knowledge, skills and abilities required for licensure as a hydrogeologist:** In addition to being licensed as a geologist in the state of Washington, you must also possess the following knowledge, skills and abilities in order to be licensed as a hydrogeologist:

(A) Knowledge of the hydrogeology of the state of Washington;

(B) Knowledge of and skill in applying the principles of vadose and saturated zone hydraulics, and ground water quantity and quality;

(C) Knowledge of federal, state, county and local regulations applicable to ground water resources;

(D) Ability to apply elementary soil and rock mechanics in relation to ground water, including the description of soil and rock samples; and

(E) Ability to prepare and interpret logs as they relate to subsurface fluid movement, interaction with geologic materials, and transport of energy and chemical constituents.

(2) Process required for licensure in a specialty.

(a) **Documentation of specialty experience:** To obtain a specialty license, you must provide a documented record of five years of experience in the applicable geologic specialty, per WAC 308-15-040.

(b) **Documentation of specialty education and training:** In addition to the educational requirements outlined for geologists under WAC 308-15-040, you must complete advanced study, seminars or on-the-job training pertinent to the specialty and acceptable to the board. Examples of academic training pertinent to engineering geology include classes in engineering geology, environmental geology, rock and soil mechanics, geomorphology, volcanology and seismicity. Examples of seminars pertinent to engineering geology include slope stability, rock slope engineering, tunneling, blast design, shoreline processes and engineering geologic field methods short courses. Examples of academic training pertinent to hydrogeology include classes in hydrogeology, geomorphology, hydraulics and advanced geochemistry. Examples of seminars pertinent to hydrogeology include classes taught by experts in the discipline, classes offered in hydrogeologic computer modeling, and various seminars and symposia on ground water, geochemical forensics and ground water law and regulations.

(c) **Examination requirements for specialty licensure:** During the period July 1, 2001, to June 30, 2002, a license in a specialty can be obtained by "grandparenting" as outlined in WAC 308-15-040. Following the period ending June 30, 2002, a license in a specialty can be obtained through reciprocity, as outlined in WAC 308-15-040. For those who are not eligible for grandparenting, a specialty examination is required in addition to the examination described for geologist licensure in WAC 308-15-040. An examination will be required for each specialty license and will be administered as needed.

NEW SECTION

WAC 308-15-100 What is a brief adjudicative proceeding (BAP)? The board adopts RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act to administer brief adjudicative proceedings (BAP). These proceedings are conducted at the request of an applicant for reasons set out in subsection 308-15-101 or at the discretion of the board chair per RCW 34.05.482.

NEW SECTION

WAC 308-15-101 When can a brief adjudicative proceeding (BAP) be requested? Requests for a BAP will be conducted where the matter is limited solely to one or more of the following issues:

(1) To determine whether an applicant for licensing meets the minimum criteria for licensing to practice as a geologist in this state and the board proposes to deny the application;

(2) To determine whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) To determine whether an applicant for or in the examination process will be denied to sit for future examinations; and

(4) To determine whether a license holder requesting renewal or reinstatement has submitted all required information and meets minimum criteria for renewal or reinstatement.

NEW SECTION

WAC 308-15-102 What records are required for a brief adjudicative proceeding (BAP)? (1) Original or renewal license: The preliminary record for an application for an original or renewal license will include:

(a) The application for the license, renewal, reinstatement or approval and all associated documents; and

(b) All documents relied on by the program in proposing to deny the application, renewal, reinstatement or approval; and (c) All correspondence between the applicant for license, renewal, reinstatement or approval and the program regarding the application.

(2) Final order or agreement: The preliminary record to determine compliance with a previously issued final order or agreement will include:

(a) The previously issued final order or agreement; and (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement; and

(c) All correspondence between the license holder and the program, regarding compliance with the final order or agreement; and

(d) All documents relied on by the program that show the license holder has failed to comply with the previously issued final order or agreement.

NEW SECTION

WAC 308-15-103 How are brief adjudicative proceedings (BAPs) conducted? (1) A presiding officer, designated by the director, conducts brief adjudicative proceedings. The presiding officer will have agency expertise in the subject matter but will not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer will designate the date by which written documents must be submitted by the parties.

(3) The presiding officer may, at his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer may employ agency expertise as a basis for a decision.

(6) The presiding officer will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer will enter an initial order.

WSR 01-12-029
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed May 29, 2001, 10:25 a.m., effective July 1, 2001]

Date of Adoption: May 29, 2001.

Purpose: To increase fees and assessments paid by consumer loan companies, check cashers and sellers, mortgage brokers, and escrow officers and agents to the Division of Consumer Services.

Citation of Existing Rules Affected by this Order: Amending WAC 208-630-021, 208-630-022, 208-630-023, 208-620-190, 208-680B-080, 208-660-010, and 208-660-060.

Statutory Authority for Adoption: RCW 18.44.410, 19.146.223, 19.146.225, 19.146.265, 31.04.165, 31.45.200.

Adopted under notice filed as WSR 01-07-083 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: Based on comments received, the division changed the rule in its final version to limit to two the number of automatic annual increases in the rate of assessments/fees: One on July 1, 2001, and one on July 1, 2002.

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 8, Amended 7, 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: July 1, 2001.

May 29, 2001

John L. Bley

Director

AMENDATORY SECTION (Amending WSR 97-09-035, filed 4/11/97, effective 5/12/97)

WAC 208-630-021 Application review and investigation fee. (1) The director shall collect a fee of ~~((sixty-five dollars))~~ \$66.81 per employee hour expended for services, plus actual expenses, for review of application and investigation of:

- (a) New license applications;
- (b) Additional locations;
- (c) Change of control;
- (d) Relocation of office;
- (e) Voluntary or involuntary liquidation of licensee; and
- (f) Small loan endorsement applications.

(2) The director may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in this section. If the lump sum payment required exceeds the actual amount derived in subsection (1) of this section, the amount in excess shall be refunded.

AMENDATORY SECTION (Amending WSR 97-09-035, filed 4/11/97, effective 5/12/97)

WAC 208-630-022 Annual assessment charge. (1)

The director will charge each licensee an annual assessment at the rate set forth in subsection (2) of this section. Assessments for a calendar year will be computed on total volume of transactions as of December 31 of the previous calendar year. For licensees with a fiscal year of January through December, annual assessments are due on or before April 15. For licensees with a fiscal year other than that stated above, annual assessments are due one hundred five days after the close of the licensee's fiscal year. ~~((For the calendar year 1997, annual assessments for all licensees are due on or before June 30, 1997.))~~

(2) The annual assessment rate is:

(a) For check cashers:

(i) If the volume of checks cashed is one million dollars or less, there is no annual assessment;

(ii) If the volume of checks cashed is over one million dollars, the annual assessment is ~~((five hundred dollars))~~ \$513.95 per licensed location.

(b) For check sellers:

(i) If the volume of checks sold is one million dollars or less, there is no annual assessment;

(ii) If the volume of checks sold is over one million dollars, the annual assessment is ~~((five hundred dollars))~~ \$513.95 per licensed location.

(c) For licensees with small loan endorsements, in addition to (a) and/or (b) of this subsection:

(i) If the volume of small loans made is one million dollars or less, there is no annual assessment;

(ii) If the volume of small loans made is over one million dollars, the annual assessment is ~~((five hundred dollars))~~ \$513.95 per licensed location.

(3) For purposes of this section, "volume" includes all transactions made under this chapter and chapter 31.45 RCW by a Washington licensed check casher or check seller at all licensed locations.

AMENDATORY SECTION (Amending WSR 97-09-035, filed 4/11/97, effective 5/12/97)

WAC 208-630-023 Examination fees. The fee for examinations described in WAC 208-630-015 shall be ~~((sixty-five dollars))~~ \$66.81 per employee hour expended.

PERMANENT

NEW SECTION

WAC 208-630-02303 Fee increase. The division intends to increase its fee and assessment rates each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of fees and assessments each fiscal year during the 2001-03 biennium.

(1) On July 1, 2002, the fee and assessment rates under WAC 208-630-021, 208-630-022, and 208-630-023, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025. However, there will be no rate increase under this subsection (1) for assessments described in WAC 208-630-022 (2)(a)(i), (b)(i) and (c)(i).

(2) The director may round off a rate increase under subsection (1) of this section. However, no rate increase may exceed the applicable fiscal growth factor.

(3) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

NEW SECTION

WAC 208-630-02305 Waiver of fees. The director may waive any or all of the fees and assessments imposed under WAC 208-630-021, 208-630-022, and 208-630-023, in whole or in part, when he or she determines that both of the following factors are present:

(1) The consumer services program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and

(2) That such course of action would be fiscally prudent.

AMENDATORY SECTION (Amending WSR 96-04-013, filed 1/26/96, effective 2/26/96)

WAC 208-620-190 Schedule of fees. The director shall collect fees for services as specified below:

(1) **Applications and certificates.**

(a) A charge of (~~ninety dollars~~) \$92.51 per hour for services plus actual expenses for review of application and attendant investigation for:

(i) New consumer loan company certificate of authority or licensed location certificate;

(ii) Branch licensed locations certificate;

(iii) Relocation of main office or branch;

(iv) Notice of change of control;

(v) Opinions rendered regarding interpretations of statutes and rules.

(b) A fee of (~~one hundred dollars~~) \$102.79 for issuing the following certificates:

(i) Certificate of authority;

(ii) Licensed location certificate;

(iii) Certificate of good standing.

(2) **Examinations.** A charge of (~~sixty-five dollars~~) \$66.81 per hour for regular and special examinations of the licensee's records. The director will submit a statement for

the charges following the completion of any applicable examination. The charges must be paid within thirty days after the statement is submitted to the licensee.

(3) **Annual assessment fee.**

(a) An annual assessment fee based on adjusted total loan value as defined in (b) of this subsection. The amount of the annual assessment fee is (~~(.000169792)~~) 0.000174529 multiplied by the adjusted total loan value as calculated from the consolidated annual report for the previous calendar year.

(b) The "adjusted total loan value" is the sum of:

(i) The total unpaid balance of loans originated subject to the act that were retained or purchased by the licensee; and

(ii) The total unpaid balance of loans originated subject to the act that were sold by the licensee with servicing retained (if any); and

(iii) The total amount of loans originated subject to the act that were sold by the licensee during the previous calendar year with servicing released (if any).

NEW SECTION

WAC 208-620-191 Fee increase. The division intends to increase its fee and assessment rates each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of fees and assessments each fiscal year during the 2001-03 biennium.

(1) On July 1, 2002, the fee and assessment rates under WAC 208-620-190, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(2) The director may round off a rate increase under subsection (1) of this section. However, no rate increase may exceed the applicable fiscal growth factor.

(3) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

NEW SECTION

WAC 208-620-192 Waiver of fees. The director may waive any or all of the fees and assessments imposed under WAC 208-620-190, in whole or in part, when he or she determines that both of the following factors are present:

(1) The consumer services program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and

(2) That such course of action would be fiscally prudent.

AMENDATORY SECTION (Amending WSR 96-21-082, filed 10/16/96, effective 11/16/96)

WAC 208-680B-080 Escrow officer and agent fees. The director shall charge the following fees:

Title of Fee	Fee
Escrow officer:	
First examination	\$((150.00))
Reexamination	<u>154.19</u>
Original license	((150.00))
License renewal	<u>154.19</u>
Transfer of license, name or address change or license activation	((160.00)) <u>164.46</u>
Duplicate license	((160.00)) <u>164.46</u> ((25.00)) <u>25.70</u> ((25.00)) <u>25.70</u>
Escrow agent:	
Application and original certificate	((345.00))
Renewal	<u>354.63</u>
Late renewal with penalty	((345.00))
Transfer of certificate, name or address change	<u>354.63</u>
Duplicate certificate	((517.50)) <u>531.93</u> ((25.00)) <u>25.70</u> ((25.00)) <u>25.70</u>
Escrow agent branch office:	
Application and original license	((345.00))
Renewal	<u>354.63</u>
Late renewal with penalty	((345.00))
Transfer of license, name or address change	<u>354.63</u>
Duplicate license	((517.50)) <u>531.93</u> ((25.00)) <u>25.70</u> ((25.00)) <u>25.70</u>

NEW SECTION

WAC 208-680B-081 Fee increase. The division intends to increase its fee and assessment rates each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of fees and assessments each fiscal year during the 2001-03 biennium.

(1) On July 1, 2002, the fee and assessment rates under WAC 208-680B-080, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(2) The director may round off a rate increase under subsection (1) of this section, However, no rate increase may exceed the applicable fiscal growth factor.

(3) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

NEW SECTION

WAC 208-680B-082 Waiver of fees. The director may waive any or all of the fees and assessments imposed under WAC 208-680B-080, in whole or in part, when he or she determines that both of the following factors are present:

(1) The consumer services program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and

(2) That such course of action would be fiscally prudent.

AMENDATORY SECTION (Amending WSR 01-01-044, filed 12/8/00, effective 1/8/01)

WAC 208-660-010 Definitions. As used in this chapter, the following definitions apply, unless the context otherwise requires:

(1) "Advertising material" means any form of sales or promotional materials to be used in connection with the mortgage broker business.

(2) "Affiliate" means any person who controls, is controlled by, or is under common control with, another person.

(3) "Application deposit" means a deposit in immediately available funds consisting of ~~((three hundred fifty dollars))~~ the equivalent of ten hours investigation fees under WAC 208-660-060 for each license applied for and ((one hundred seventy five dollars)) the equivalent of five hours investigation fees under WAC 208-660-060 for each branch office certificate applied for. ~~((For example, an applicant requesting a license and two branch office certificates must submit an application deposit of seven hundred dollars (calculated by adding three hundred fifty dollars to the product of two times one hundred seventy five dollars).))~~

(4) "Approved examination" means a written examination approved by the director.

(5) "Approved licensing or continuing education course" means a licensing or continuing education course approved by the director.

(6) "Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

(7) "Branch office" means a fixed physical location such as an office, separate from the principal place of business of the licensee, where the licensee holds itself out as a mortgage broker.

(8) "Branch office certificate" means a branch office license issued by the director to engage in the mortgage broker business as the branch office indicated in the certificate, pursuant to RCW 19.146.265.

(9) "Certificate of passing an approved examination" means a certificate signed by the examination administrator verifying that the individual performed with a satisfactory score or higher on an approved licensing examination.

PERMANENT

(10) "Certificate of satisfactory completion of an approved continuing education course" means a certificate signed by the course provider verifying that the individual has attended an approved continuing education course.

(11) "Certificate of satisfactory completion of an approved licensing course" means a certificate signed by the course provider verifying that the individual has attended at least forty hours of class of an approved licensing course.

(12) "Consumer Protection Act" means chapter 19.86 RCW.

(13) A person "controls" an entity if the person, directly or indirectly through one or more intermediaries, alone or in concert with others, owns, controls, or holds the power to vote twenty-five percent or more of the outstanding stock or voting power of the controlled entity.

(14) A person is "convicted" of a crime, irrespective of the pronouncement or suspension of sentence, if the person:

- Is convicted of the crime in any jurisdiction;
- Is convicted of a crime which, if committed within this state would constitute such a crime under the laws of this state;
- Has plead guilty or no contest or nolo contendere or stipulated to facts that are sufficient to justify a finding of guilt to such a charge before a court or federal magistrate; or
- Has been found guilty of such a crime by the decision or judgment of a court or federal magistrate or by the verdict of a jury.

(15) "Department" means the department of financial institutions.

(16) "Designated broker" means a natural person designated by the applicant for a license or licensee who meets the experience, education, and examination requirements set forth in RCW 19.146.210(e).

(17) "Director" means the director of financial institutions.

(18) "Employee" means any natural person who:

- Has an employment relationship, acknowledged by both the employee and the mortgage broker; and
- Is treated as an employee by the mortgage broker for purposes of compliance with federal income tax laws.

(19) "Financial institution" means a federally insured bank, savings bank, savings and loan association, or credit union, whether state or federally chartered, authorized to conduct business in this state.

(20) "Financial misconduct" means without limitation:

- Any conduct prohibited by the Mortgage Broker Practices Act;
- Any similar conduct prohibited by statutes governing mortgage brokers in other states; and
- Any similar conduct prohibited by statutes governing other segments of the financial services industry, including but not limited to the Consumer Protection Act, statutes governing the conduct of securities broker dealers, financial advisers, escrow officers, title insurance companies, limited practice officers, trust companies, and other licensed or chartered financial service providers.

(21) A person "holds oneself out" by advertising or otherwise informing the public that the person engages in any of the activities indicated, including without limit through the

use of business cards, stationery, brochures, rate lists or other promotional items.

(22) "Independent contractor" or "person who independently contracts" means any person that:

- Expressly or impliedly contracts to perform mortgage broker activities for a licensee;
- With respect to its manner or means of performing the activities, is not subject to the licensee's right of control; and
- Is not treated as an employee by the licensee for purposes of compliance with federal income tax laws.

(23) "Investigation" means an examination undertaken for the purpose of detection of violations of this chapter or securing information lawfully required under this chapter.

(24) "License" means a license issued by the director to engage in the mortgage broker business.

(25) "Licensee" or "licensed mortgage broker" means:

- A mortgage broker licensed by the director; and
- Any person required to be licensed pursuant to RCW 19.146.200 and 19.146.020.

(26) "Loan originator" means a natural person:

- Who is a mortgage broker employee who performs any mortgage broker activities; or
- Who is retained as an independent contractor by a mortgage broker, or represents a mortgage broker, in the performance of any mortgage broker activities.

(27) "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms upon which it will make a loan available to the borrower.

(28) "Material litigation" means any conviction in the prior seven years for a felony, or for a gross misdemeanor involving dishonesty or financial misconduct, and any litigation pending at any time during the prior seven years that would be relevant to the director's ruling on an application for a license, including but not limited to, the following types of litigation:

- Criminal actions involving felony charges.
- Criminal or civil actions involving dishonesty or financial misconduct.

(29) "Mortgage broker" means any person that for compensation or gain, or in the expectation of compensation or gain:

- Makes a residential mortgage loan or assists a person in obtaining a residential mortgage loan; or
- Holds himself or herself out as being able to do so.

(30) "Mortgage Broker Practices Act" means chapter 19.146 RCW and chapter 208-660 WAC.

(31) "Out-of-state applicant or licensee" means an applicant for a license or licensee that does not maintain a physical office within this state.

(32) "Person" means a natural person, corporation, company, partnership, limited liability company, or association.

(33) "Prepaid escrowed costs of ownership," as used in RCW 19.146.030(5), means any amounts prepaid by the borrower for the payment of taxes, property insurance, interim interest, and similar items in regard to the security property.

(34) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in

concert with others, a ten percent or greater interest in a partnership, company, association or corporation, and the owner of a sole proprietorship.

(35) "RCW" means the *Revised Code of Washington*.

(36) "Real Estate Settlement Procedures Act" means the Real Estate Settlement Procedures Act, 12 U.S.C. Sections 2601 et seq., and Regulation X, 24 C.F.R. Sections 3500 et seq.

(37) "Registered agent" means a person or persons located within this state that is appointed to accept service of process for an out-of-state licensee.

(38) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

(39) "Subsidiary" means a corporation, company, partnership, or association that is controlled by another.

(40) "Third-party provider" means any third party, other than a mortgage broker or lender, that provides goods or services to the mortgage broker in connection with the preparation of a borrower's loan and includes, but is not limited to, credit reporting agencies, title insurance companies, appraisers, structural and pest inspectors, or escrow companies. However, "third-party provider" does include a third-party lender, to the extent it provides lock-in arrangements to the mortgage broker in connection with the preparation of a borrower's loan.

(41) "Transfer" means a sale, transfer, assignment, or other disposition, whether by operation of law in a merger or otherwise.

(42) "Truth in Lending Act" means the Truth in Lending Act, 15 U.S.C. Sections 1601 et seq., and Regulation Z, 12 C.F.R. Sections 226 et seq.

AMENDATORY SECTION (Amending WSR 96-04-028, filed 2/1/96, effective 4/1/96)

WAC 208-660-060 Department's fees and assessments. (1) Upon completion of processing and reviewing an application for a license or branch office certificate, the department will prepare a billing, regardless of whether a license or certificate has been issued, calculated at the rate of ~~((thirty-five dollars))~~ \$35.98 per hour that each staff person devoted to processing and reviewing the application. The application deposit will be applied against this bill. Any amount left owing to the department will be billed to and paid promptly by the applicant, while any balance remaining from the deposit will be refunded promptly to the applicant.

(2) Upon completion of any examination of the books and records of a licensee, the department will furnish to the licensee a billing to cover the cost of the examination. The examination charge will be calculated at the rate of ~~((forty-five dollars))~~ \$46.26 per hour that each staff person devoted to the examination. The examination billing will be paid by the licensee promptly upon receipt. Licensees that were issued licenses prior to March 21, 1994, have prepaid in their initial license fee the cost of the first compliance examination

of the licensee conducted by the department during the first two years after the date of issuance of the license.

(3) Each licensee shall pay to the director an annual assessment of ~~((five hundred dollars))~~ \$513.95 for each license, and ~~((five hundred dollars))~~ \$513.95 for each branch office certificate. The annual assessment(s) will be due no later than the last business day of the month in which the anniversary date of the issuance of the broker's license occurs.

(4) Upon completion of any investigation of the books and records of a mortgage broker other than a licensee, the department will furnish to the broker a billing to cover the cost of the investigation. The investigation charge will be calculated at the rate of ~~((forty-five dollars))~~ \$46.26 per hour that each staff person devoted to the investigation. The investigation billing will be paid by the mortgage broker promptly upon receipt.

NEW SECTION

WAC 208-660-061 Fee increase. The division intends to increase its fee and assessment rates each year for several bienniums. The division intends to initiate a rule making for this purpose each biennium. This rule provides for an automatic annual increase in the rate of fees and assessments each fiscal year during the 2001-03 biennium.

(1) On July 1, 2002, the fee and assessment rates under WAC 208-660-060, as increased in the prior fiscal year, will increase by a percentage rate equal to the fiscal growth factor for the then current fiscal year. As used in this section, "fiscal growth factor" has the same meaning as the term is defined in RCW 43.135.025.

(2) The director may round off a rate increase under subsection (1) of this section. However, no rate increase may exceed the applicable fiscal growth factor.

(3) By June 1 of each year, the director will make available a chart of the new rates that will take effect on the immediately following July 1.

NEW SECTION

WAC 208-660-062 Waiver of fees. The director may waive any or all of the fees and assessments imposed under WAC 208-660-060, in whole or in part, when he or she determines that both of the following factors are present:

(1) The consumer services program fund exceeds the projected acceptable minimum fund balance level approved by the office of financial management; and

(2) That such course of action would be fiscally prudent.

WSR 01-12-032

PERMANENT RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed May 29, 2001, 10:28 a.m., effective July 1, 2001]

Date of Adoption: May 10, 2001.

PERMANENT

Purpose: To establish a Puget Sound pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 01-08-081 on April 3, 2001.

Changes Other than Editing from Proposed to Adopted Version: The adopted tariff is an increase of 5.33% less than was proposed, resulting in an increase of 1.32% in all tariff categories except transportation.

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 1, Repealed 0.

Effective Date of Rule: July 1, 2001.

May 25, 2001
Peggy Larson
Administrator

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:

A charge of \$~~((189.00))~~ 191.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$~~((90.00))~~ 91.00 per bridge.

Ships 90' beam and/or over:

A charge of \$~~((255.00))~~ 258.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$~~((179.00))~~ 181.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	\$ ((254.00)) <u>257.00</u>
Radio direction finder calibration	\$ ((254.00)) <u>257.00</u>
Launching vessels	\$ ((382.00)) <u>387.00</u>
Trial trips, 6 hours or less (Minimum \$ ((714.00)) <u>726.00</u>)	\$ ((119.00)) <u>121.00</u> per hr.
Trial trips, over 6 hours (two pilots)	\$ ((238.00)) <u>241.00</u> per hr.
Shilshole Bay – Salmon Bay	\$ ((149.00)) <u>151.00</u>
Salmon Bay – Lake Union	\$ ((116.00)) <u>118.00</u>
Lake Union – Lake Washington (plus LOA zone from Webster Point)	\$ ((149.00)) <u>151.00</u>
Cancellation charge	LOA Zone I

AMENDATORY SECTION (Amending WSR 00-11-119, filed 5/22/00, effective 7/1/00)

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, ~~((2000))~~ 2001, through 2400 hours June 30, ~~((200+))~~ 2002.

CLASSIFICATION	RATE
Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	\$36.00
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA
LOA of tug+ LOA of tow+ beam of tow	Zone

PERMANENT

Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)

LOA Zone II

Docking delay after anchoring: ~~\$(119.00)~~
121.00
 per hr.

Applicable harbor shift rate to apply, plus ~~\$(119.00)~~
121.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~\$(119.00)~~ 121.00 for every hour or fraction thereof.

Sailing delay: ~~\$(119.00)~~
121.00 per
 hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~\$(119.00)~~ 121.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown: ~~\$(119.00)~~
121.00 per
 hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ~~\$(119.00)~~ 121.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:
 Additional charge to LOA zone mileage of ~~\$(0.0060)~~
0.0061 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:
 Additional charge to LOA zone mileage of ~~\$(0.0616)~~
0.0624 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
 In excess of 50,000 gross tons, the charge shall be ~~\$(0.0737)~~ 0.0747 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ~~\$(119.00)~~
121.00 per
 hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~\$(119.00)~~ 121.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.
- (b) Interport shifts: Transportation paid to and from both points.
- (c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination,

PERMANENT

from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101-Miles & Over
Up to 449	179	279	484	725	979	1272
450-459	185	285	487	736	995	1278
460-469	188	289	494	748	1009	1284
470-479	194	297	501	763	1012	1287
480-489	199	303	503	778	1018	1293
490-499	202	307	510	792	1030	1298
500-509	213	312	518	801	1037	1307
510-519	215	318	523	813	1049	1311
520-529	218	329	531	817	1058	1324
530-539	225	334	538	826	1075	1337
540-549	228	339	550	835	1093	1349
550-559	233	350	554	848	1100	1363
560-569	242	364	564	855	1111	1376
570-579	247	368	568	859	1123	1385
580-589	258	375	580	866	1130	1399
590-599	270	382	584	870	1146	1415
600-609	279	393	591	872	1160	1422
610-619	296	398	603	877	1172	1434
620-629	308	403	609	887	1185	1452
630-639	323	410	616	889	1195	1464
640-649	336	420	623	892	1206	1476
650-659	360	427	633	899	1221	1491
660-669	367	431	639	903	1233	1502
670-679	380	443	645	919	1248	1511
680-689	386	452	654	929	1259	1527
690-699	398	459	663	945	1272	1557
700-719	416	474	676	955	1297	1575
720-739	441	487	693	969	1324	1603
740-759	459	510	707	979	1349	1630
760-779	477	528	723	995	1376	1653
780-799	501	551	736	1009	1399	1682
800-819	521	568	751	1014	1422	1707
820-839	538	587	769	1030	1452	1727
840-859	561	612	782	1041	1475	1757
860-879	582	633	797	1069	1502	1782

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101-Miles & Over
880-899	603	652	813	1095	1527	1808
900-919	621	672	827	1121	1557	1834
920-939	640	693	848	1146	1574	1858
940-959	663	712	860	1172	1603	1882
960-979	679	733	874	1195	1630	1910
980-999	703	751	890	1221	1653	1933
1000-1019	744	799	931	1285	1731	2017
1020-1039	766	823	959	1324	1783	2078
1040-1059	789	848	988	1363	1836	2140
1060-1079	813	873	1017	1404	1892	2204
1080-1099	837	899	1048	1446	1948	2270
1100-1119	862	926	1079	1490	2007	2338
1120-1139	888	954	1112	1534	2067	2408
1140-1159	915	983	1145	1580	2129	2481
1160-1179	942	1012	1179	1628	2193	2555
1180-1199	971	1043	1215	1677	2259	2632
1200-1219	1000	1074	1251	1727	2326	2711
1220-1239	1030	1106	1289	1779	2396	2792
1240-1259	1061	1139	1327	1832	2468	2876
1260-1279	1093	1173	1367	1887	2542	2962
1280-1299	1125	1209	1408	1944	2618	3051
1300-1319	1159	1245	1450	2002	2697	3142
1320-1339	1194	1282	1494	2062	2778	3237
1340-1359	1230	1321	1539	2124	2861	3334
1360-1379	1267	1360	1585	2188	2947	3434
1380-1399	1305	1401	1633	2253	3035	3537
1400-1419	1344	1443	1681	2321	3126	3643
1420-1439	1384	1486	1732	2390	3220	3752
1440-1459	1426	1531	1784	2462	3317	3865
1460-1479	1468	1577	1837	2536	3416	3981
1480-1499	1512	1624	1893	2612	3519	4100
1500 & Over	1558	1673	1949	2691	3624	4223))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra-Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 449	181	283	490	735	992	1289
450 - 459	187	289	493	746	1008	1295
460 - 469	190	293	501	758	1022	1301
470 - 479	197	301	508	773	1025	1304

PERMANENT

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
480 - 489	202	307	510	788	1031	1310
490 - 499	205	311	517	802	1044	1315
500 - 509	216	316	525	812	1051	1324
510 - 519	218	322	530	824	1063	1328
520 - 529	221	333	538	828	1072	1341
530 - 539	228	338	545	837	1089	1355
540 - 549	231	343	557	846	1107	1367
550 - 559	236	355	561	859	1115	1381
560 - 569	245	369	571	866	1126	1394
570 - 579	250	373	575	870	1138	1403
580 - 589	261	380	588	877	1145	1417
590 - 599	274	387	592	881	1161	1434
600 - 609	283	398	599	884	1175	1441
610 - 619	300	403	611	889	1187	1453
620 - 629	312	408	617	899	1201	1471
630 - 639	327	415	624	901	1211	1483
640 - 649	340	426	631	904	1222	1495
650 - 659	365	433	641	911	1237	1511
660 - 669	372	437	647	915	1249	1522
670 - 679	385	449	654	931	1264	1531
680 - 689	391	458	663	941	1276	1547
690 - 699	403	465	672	957	1289	1578
700 - 719	421	480	685	968	1314	1596
720 - 739	447	493	702	982	1341	1624
740 - 759	465	517	716	992	1367	1652
760 - 779	483	535	733	1008	1394	1675
780 - 799	508	558	746	1022	1417	1704
800 - 819	528	575	761	1027	1441	1730
820 - 839	545	595	779	1044	1471	1750
840 - 859	568	620	792	1055	1494	1780
860 - 879	590	641	808	1083	1522	1806
880 - 899	611	661	824	1109	1547	1832
900 - 919	629	681	838	1136	1578	1858
920 - 939	648	702	859	1161	1595	1883
940 - 959	672	721	871	1187	1624	1907
960 - 979	688	743	886	1211	1652	1935
980 - 999	712	761	902	1237	1675	1959
1000 - 1019	754	810	943	1302	1754	2044
1020 - 1039	776	834	972	1341	1807	2105
1040 - 1059	799	859	1001	1381	1860	2168
1060 - 1079	824	885	1030	1423	1917	2233
1080 - 1099	848	911	1062	1465	1974	2300

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
1100 - 1119	873	938	1093	1510	2033	2369
1120 - 1139	900	967	1127	1554	2094	2440
1140 - 1159	927	996	1169	1601	2157	2514
1160 - 1179	954	1025	1195	1649	2222	2589
1180 - 1199	984	1057	1231	1699	2289	2667
1200 - 1219	1013	1088	1268	1750	2357	2747
1220 - 1239	1044	1121	1306	1802	2428	2829
1240 - 1259	1075	1154	1345	1856	2501	2914
1260 - 1279	1107	1188	1385	1912	2576	3001
1280 - 1299	1140	1225	1427	1970	2653	3091
1300 - 1319	1174	1261	1469	2028	2733	3183
1320 - 1339	1210	1299	1514	2089	2815	3280
1340 - 1359	1246	1338	1559	2152	2899	3378
1360 - 1379	1284	1378	1606	2217	2986	3479
1380 - 1399	1322	1419	1655	2283	3075	3584
1400 - 1419	1362	1462	1703	2352	3167	3691
1420 - 1439	1402	1506	1755	2422	3263	3802
1440 - 1459	1445	1551	1808	2494	3361	3916
1460 - 1479	1487	1598	1861	2569	3461	4034
1480 - 1499	1532	1645	1918	2646	3565	4154
1500 & Over	1579	1695	1975	2727	3672	4279

PERMANENT

WSR 01-12-034
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 29, 2001, 1:41 p.m.]

Date of Adoption: May 29, 2001.

Purpose: Fee increases for the Board of Boiler Rules—
 Substantive, chapter 296-104 WAC.

The Board of Boiler Rules is adopting a 2.87% (rounded down to the nearest tenth of a dollar) general increase in fees. The 2.87% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2001. The general fee increases are necessary to maintain the financial health and operational effectiveness of the boiler board program.

Citation of Existing Rules Affected by this Order:
 Amending WAC 296-104-055 and 296-104-700.

Statutory Authority for Adoption: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350.

Other Authority: Chapter 70.79 RCW.

Adopted under notice filed as WSR 01-09-091 on April 18, 2001.

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 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 2, Repealed 0.

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

May 29, 2001

Kenneth E. Eshleman, Chair
Board of Boiler Rules

AMENDATORY SECTION (Amending WSR 99-22-026, filed 10/26/99, effective 11/26/99)

WAC 296-104-055 Administration—What are the examination fees? A fee of ~~((sixty dollars))~~ \$61.70 will be charged for each applicant sitting for an inspection examination(s). If an applicant fails to pass the examination this fee shall be good for one year during which a reexamination may be taken. Checks for examination fees shall be made payable to the state treasurer.

AMENDATORY SECTION (Amending WSR 00-21-024, filed 10/10/00, effective 11/13/00)

WAC 296-104-700 What are the inspection fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:	Internal	External
Cast iron—All sizes	((27.05)) <u>27.80</u>	((21.65)) <u>22.20</u>
All other boilers less than 500 sq. ft.	((32.50)) <u>33.40</u>	((21.65)) <u>22.20</u>
500 sq. ft. to 2500 sq. ft.	((54.15)) <u>55.70</u>	((27.05)) <u>27.80</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((21.65)) <u>22.20</u>	((10.80)) <u>11.10</u>
Power boilers:	Internal	External
Less than 100 sq. ft.	((27.05)) <u>27.80</u>	((21.65)) <u>22.20</u>
100 sq. ft. to less than 500 sq. ft.	((32.50)) <u>33.40</u>	((21.65)) <u>22.20</u>

500 sq. ft. to 2500 sq. ft.	((54.15)) <u>55.70</u>	((27.05)) <u>27.80</u>
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	((21.65)) <u>22.20</u>	((10.80)) <u>11.10</u>
Pressure vessels:		
Automatic utility hot water supply heaters per RCW 70.79.090		((5.40)) <u>5.50</u>
All other pressure vessels:		
Square feet shall be determined by multiplying the length of the shell by its diameter.		
Less than 15 sq. ft.	((21.65)) <u>22.20</u>	((16.25)) <u>16.70</u>
15 sq. ft. to less than 50 sq. ft.	((32.50)) <u>33.40</u>	((16.25)) <u>16.70</u>
50 sq. ft. to 100 sq. ft.	((37.90)) <u>38.90</u>	((21.65)) <u>22.20</u>
For each additional 100 sq. ft. or any portion thereof	((10.80)) <u>11.10</u>	((37.90)) <u>38.90</u>
Certificate of inspection fees: For objects inspected, the certificate of inspection fee is \$((16.25)) <u>16.70</u> per object.		
Nonnuclear shop inspections, field construction inspections, and special inspection services:		
For each hour or part of an hour up to 8 hours		((32.50)) <u>33.40</u>
For each hour or part of an hour in excess of 8 hours		((48.75)) <u>50.10</u>
Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:		
For each hour or part of an hour up to 8 hours		((48.75)) <u>50.10</u>
For each hour or part of an hour in excess of 8 hours		((75.80)) <u>77.90</u>
Nonnuclear triennial shop survey and audit:		
When state is authorized inspection agency:		
For each hour or part of an hour up to 8 hours		((32.50)) <u>33.40</u>
For each hour or part of an hour in excess of 8 hours		((48.75)) <u>50.10</u>
When insurance company is authorized inspection agency:		
For each hour or part of an hour up to 8 hours		((48.75)) <u>50.10</u>
For each hour or part of an hour in excess of 8 hours		((75.80)) <u>77.90</u>

PERMANENT

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Reinspection fee: Same as the fee for the previous inspection during which discrepancies were reported. The fee will be charged only if the discrepancies are not corrected before the reinspection. The fee shall not exceed ((~~\$ 26.00~~)) \$ 26.70. Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of ((~~\$ 300.00~~)) \$ 308.60 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

WSR 01-12-035
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed May 29, 2001, 1:44 p.m.]

Date of Adoption: May 29, 2001.

Purpose: Fees for electrical (chapters 296-46A and 296-401B WAC), contractor registration (chapter 296-200A WAC), elevator (chapter 296-96 WAC) and factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC). The last time the fees for any of these programs was reviewed or increased was in June of 1999. The purpose of this project is to increase fees by 2.87% (rounded down to the nearest tenth of a dollar) and to incorporate the fee increases that are the result of chapter 159, Laws of 2001 (SSB 5101) being signed into law. The 2.87% rate is the Office of Financial Management's maximum allowable fiscal growth rate factor for fiscal year 2001. Increasing the fees as a result of SSB 5101 will ensure that the appropriate fees are charged in compliance with the new law changes and will reduce possible confusion as to what fee is charged.

In addition to the general fee increases and the fee changes resulting from SSB 5101, a new fee is being proposed to cover the cost of FAS plan review requests submitted via electronic mail. This new fee is necessary to cover the additional costs associated with receipt of and review of plans submitted electronically. Also, minor technical changes are being made to the fees in the FAS rules to include correcting a reference to electrical plan review fees per WAC 296-46A-140 and that one free copy of the rules will be provided yearly upon request.

These fee increases are necessary to comply with the law and/or to maintain the operational effectiveness of the contractor registration, factory assembled structures (FAS), electrical and elevator programs.

Citation of Existing Rules Affected by this Order: Amending WAC 296-46A-910, 296-46A-915, 296-96-01010, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01050, 296-96-01055, 296-96-01060, 296-96-01065, 296-150C-3000, 296-150F-3000, 296-150M-3000, 296-150P-3000, 296-150R-3000, 296-150T-3000, 296-150V-3000, 296-200A-900, and 296-401B-700.

Statutory Authority for Adoption: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, and chapter 159, Laws of 2001 (SSB 5101).

Other Authority: Chapters 43.22, 19.28, 18.27, and 70.87 RCW.

Adopted under notice filed as WSR 01-09-090 on April 18, 2001.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-46A-910 Inspection fees.** The proposed fee in subsection (1)(b)(i) was changed from \$162.53 to \$162.50 in order to correct a rounding error.

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration? A new fee structure was included for the issuance, renewal, and reinstatement of certificates of registration, effective August 1, 2001. This new fee structure is necessary to comply with chapter 159, Laws of 2001 (SSB 5101) that was signed into law and will take effect on July 22, 2001. This legislation requires the department to charge a fee of \$100 for issuing, renewing, or reregistering a certificate of registration and a \$20 fee to cover the costs for the service of process in an action against the contractor, the contractor's bond, or the deposit (the fee is currently \$10.00). For purposes of administration, the department is requiring contractors with an even unified business identifier to pay \$50 (one half of \$100) for a certificate of registration that expires one year after issuance, renewal, or reinstatement or until suspended or revoked. Likewise, the department is requiring contractors with an odd unified business identifier to pay \$100 for a certificate of registration that expires two years after issuance, renewal, or reinstatement or until suspended or revoked. After the first issuance, renewal or reinstatement of contractors at the \$50 price all contractors will be required to comply with the two-year (\$100) registration requirements.

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 21, 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 21, Repealed 0.

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

May 29, 2001

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-46A-910 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS below.

(1) RESIDENTIAL.

(a) Single and two-family residential (new construction).

Notes: • Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

• "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit and "inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

• An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i)	First 1300 sq. ft.	(\$ 67.00) <u>\$ 68.90</u>
	Each additional 500 sq. ft. or portion of	(\$ 21.50) <u>\$ 22.10</u>
(ii)	Each outbuilding or detached garage inspected at the same time as a dwelling unit on the property	(\$ 28.00) <u>\$ 28.80</u>
(iii)	Each outbuilding or detached garage inspected separately	(\$ 44.25) <u>\$ 45.50</u>
(iv)	Each swimming pool - inspected with the service	(\$ 44.25) <u>\$ 45.50</u>
(v)	Each swimming pool - inspected separately	(\$ 67.00) <u>\$ 68.90</u>
(vi)	Each hot tub, spa, or sauna - inspected with the service	(\$ 28.00) <u>\$ 28.80</u>
(vii)	Each hot tub, spa, or sauna - inspected separately	(\$ 44.25) <u>\$ 45.50</u>
(viii)	Each septic pumping system - inspected with the service	(\$ 28.00) <u>\$ 28.80</u>
(ix)	Each septic pumping system - inspected separately	(\$ 44.25) <u>\$ 45.50</u>

(b) Multifamily residential and miscellaneous residential structures, services and feeders (new construction).

(i) Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	(\$ 72.25) <u>\$ 74.30</u>	(\$ 21.50) <u>\$ 22.10</u>
201 to 400	(\$ 89.75) \$ <u>92.30</u>	(\$ 44.25) <u>\$ 45.50</u>
401 to 600	(\$ 123.25) \$ <u>126.70</u>	(\$ 61.50) <u>\$ 63.20</u>
601 to 800	(\$ 158.00) \$ <u>162.50</u>	(\$ 84.25) <u>\$ 86.60</u>
801 and over	(\$ 225.25) \$ <u>231.70</u>	(\$ 169.00) <u>\$ 173.80</u>

- (c) Single-family or multi-family altered services including circuits.
- (i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	(\$ 61.50) \$ <u>63.20</u>
201 to 600	(\$ 89.75) \$ <u>92.30</u>
601 and over	(\$ 135.25) \$ <u>139.10</u>

(ii) Maintenance or repair of meter or mast (no alterations to service or feeder) ~~(\$ 33.50)~~ \$ 34.30

(d) Single or multi-family residential circuits only (no service inspection).

Note: Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) above.

(i) 1 to 4 circuits (see note) ~~(\$ 44.25)~~ \$ 45.50

• Except: Water heater load control devices installed in residences as part of an energy conservation program ~~(\$ 27.00)~~ \$ 27.70

Note: The ~~(\$ 27.00)~~ \$ 27.70 permit fee for water heater load control devices will expire on December 31, 2001.

(ii) Each additional circuit (see note) ~~(\$ 5.00)~~ \$ 5.10

(e) Mobile homes, modular homes, mobile home parks, and RV parks.

(i) Mobile home or modular home service or feeder only ~~(\$ 44.25)~~ \$ 45.50

(ii) Mobile home service and feeder ~~(\$ 72.25)~~ \$ 74.30

(f) Mobile home park sites and RV park sites.

Note: For master service installations, see subsection (2).

(i) First site service or site feeder ~~(\$ 44.25)~~ \$ 45.50

(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder ~~(\$ 28.00)~~ \$ 28.80

(2) COMMERCIAL/INDUSTRIAL.

(a) New service or feeder and additional new feeders inspected at the same time (includes circuits).

Note: For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2) (a) (i) (table) above. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS below.

PERMANENT

Ampacity	Service/Feeder	Additional Feeder	401 to 600	(\$89.75) \$92.30	(\$44.25) \$45.50
0 to 100	(\$72.25) \$74.30	(\$44.25) \$45.50	. 601 and over	(\$101.75) \$104.60	(\$50.75) \$52.20
101 to 200	(\$89.75) \$92.30	(\$56.25) \$57.80	(4)	IRRIGATION MACHINES, PUMPS AND EQUIPMENT.	
201 to 400	(\$169.00) \$173.80	(\$67.00) \$68.90	(a)	Irrigation machines.	
401 to 600	(\$197.00) \$202.60	(\$78.75) \$81.00	(i)	Each tower when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL (\$5.00) \$5.10	
601 to 800	(\$254.50) \$261.80	(\$107.25) \$110.30	(ii)	Towers - when not inspected at the same time as a service and feeders - one to six towers (\$67.00) \$68.90	
801 to 1000	(\$310.75) \$319.60	(\$129.75) \$133.40	(iii)	Each additional tower (\$5.00) \$5.10	
1000 and over	(\$339.00) \$348.70	(\$181.00) \$186.10	(5)	MISCELLANEOUS - commercial/industrial and residential.	

(b) Altered services or feeders (no circuits).

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	(\$72.25) \$74.30
201 to 600	(\$169.00) \$173.80
601 to 1000	(\$254.50) \$261.80
1000 and over	(\$282.75) \$290.80

(ii) Maintenance or repair of meter or mast (no alteration to the service or feeder) ~~(\$61.50)~~ \$63.20

(c) Circuits only.

Note: Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (a)(i)(table) above.

- (i) First five circuits per branch circuit panel ~~(\$56.25)~~ \$57.80
- (ii) Each additional circuit per branch circuit panel ~~(\$5.00)~~ \$5.10
- (d) Over 600 volts surcharge per permit. ~~(\$56.25)~~ \$57.80

(3) TEMPORARY SERVICE(S).

Notes: • Temporary electrical power and lighting installations must be used during the period of construction, remodeling, maintenance, repair, or demolition of buildings, structures, equipment, or similar activities.

• Temporary electrical power and lighting installations are allowed during emergencies and for tests, experiments, and developmental work. Temporary electrical power and lighting installations are allowed for a period not to exceed 90 days for Christmas decorative lighting and similar purposes. Temporary wiring shall be removed immediately upon completion of construction or purpose for which the wiring was installed.

• Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from (3) TEMPORARY SERVICES (a) or the portal-to-portal fee.

- (a) Temporary services, temporary stage or concert productions.

Ampacity	Service/Feeder	Additional Feeder
0 to 60	(\$38.75) \$39.80	(\$20.00) \$20.50
0 to 100	(\$44.25) \$45.50	(\$21.50) \$22.10
101 to 200	(\$56.25) \$57.80	(\$28.00) \$28.80
201 to 400	(\$67.00) \$68.90	(\$33.50) \$34.40

- (i) First thermostat ~~(\$33.50)~~ \$34.40
- (ii) Each additional thermostat inspected at the same time as the first ~~(\$10.50)~~ \$10.80
- (b) Low-voltage systems and telecommunications systems. Includes all telecommunications installations, fire alarm and burglar alarm nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.
 - (i) First 2500 sq. ft. or less ~~(\$38.75)~~ \$39.80
 - (ii) Each additional 2500 sq. ft. or portion of ~~(\$10.50)~~ \$10.80
- (c) Signs and outline lighting.
 - (i) First sign (no service included) ~~(\$33.50)~~ \$34.40
 - (ii) Each additional sign inspected at the same time on the same building or structure ~~(\$16.00)~~ \$16.40
- (d) Berth at a marina or dock.

Note: Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a)(i) above.

 - (i) Berth at a marina or dock ~~(\$44.25)~~ \$45.50
 - (ii) Each additional berth inspected at the same time ~~(\$28.00)~~ \$28.80
- (e) Yard pole, pedestal, or other meter loops only.
 - (i) Yard pole, pedestal, or other meter loops only ~~(\$44.25)~~ \$45.50
 - (ii) Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations ~~(\$10.50)~~ \$10.80
- (f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of: ~~(\$84.25)~~ \$86.60
- (g) Generators.
 - (i) Portable generators: Permanently installed transfer equipment for portable generators ~~(\$61.50)~~ \$63.20
 - (ii) Permanently installed generators: Refer to appropriate residential or commercial new service or feeder section
 - (h) Annual permit fee for plant location employing regular electrical maintenance staff - each inspection two-hour maximum.

Inspections	Fee
1 to 3 plant electricians	12 (\$1,618.00) \$1,664.40

PERMANENT

4 to 6 plant electricians	24	(\$ 3,237.50) <u>\$ 3,330.40</u>
7 to 12 plant electricians	36	(\$ 4,856.00) <u>\$ 4,995.30</u>
13 to 25 plant electricians	52	(\$ 6,475.50) <u>\$ 6,661.30</u>
more than 25 plant electricians	52	(\$ 8,095.00) <u>\$ 8,327.30</u>

(i) Telecommunications annual permit fee.
 (i) For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.
 Annual inspection time required may be estimated by ~~(\$ 134.00)~~ the purchaser at the rate for "Other inspections" in this \$ 137.80 section, charged portal-to-portal per hour - two-hour minimum.
 Each additional hour, or portion thereof, of portal-to-portal inspection time ~~(\$ 67.00)~~ \$ 68.90

(6) CARNIVAL INSPECTIONS.
 (a) First carnival field inspection each year.
 (i) Each ride and generator truck ~~(\$ 16.00)~~ \$ 16.40
 (ii) Each remote distribution equipment, concession or gaming show ~~(\$ 5.00)~~ \$ 5.10
 (iii) If the calculated fee for first field inspection of (a) and (b) above is less, the minimum inspection fee shall be: ~~(\$ 84.25)~~ \$ 86.60

(b) Subsequent carnival inspections.
 (i) First 10 rides, concessions, generators, remote distribution equipment or gaming show ~~(\$ 84.25)~~ \$ 86.60
 (ii) Each additional ride, concession, generator, remote distribution equipment or gaming show ~~(\$ 5.00)~~ \$ 5.10
 (c) Concession(s) or ride(s) not part of a carnival.
 (i) First field inspection each year of a single concession or ride, not part of a carnival ~~(\$ 67.00)~~ \$ 68.90
 (ii) Subsequent inspection of a single concession or ride, not part of a carnival ~~(\$ 44.25)~~ \$ 45.50

(7) TRIP FEES.
 (a) Requests by property owners to inspect existing installations. ~~(\$ 67.00)~~ \$ 68.90
 (b) Submitter notifies the department that work is ready for inspection when it is not ready. ~~(\$ 33.50)~~ \$ 34.40
 (c) Additional inspection required because submitter has provided the wrong address. ~~(\$ 33.50)~~ \$ 34.40
 (d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. ~~(\$ 33.50)~~ \$ 34.40
 (e) Each trip necessary to remove a noncompliance notice. ~~(\$ 33.50)~~ \$ 34.40
 (f) Corrections have not been made in the prescribed time, unless an exception has been requested and granted. ~~(\$ 33.50)~~ \$ 34.40
 (g) Installations that are covered or concealed before inspection. ~~(\$ 33.50)~~ \$ 34.40

(8) PROGRESS INSPECTIONS.
 Note: The fees calculated in subsections (1) through (6) must apply to all electrical work. This section must be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in (1) through (6).
 (a) On partial or progress inspections, each one-half hour. ~~(\$ 33.50)~~ \$ 34.40

(9) PLAN REVIEW FEE.
 (a) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46A-910, plus a plan review submission fee of: ~~(\$ 56.25)~~ \$ 57.80
 (b) Supplemental submissions of plans per hour or fraction of an hour. ~~(\$ 67.00)~~ \$ 68.90
 (c) Plan review shipping and handling fee. ~~(\$ 16.00)~~ \$ 16.40

(10) OUT-OF-STATE INSPECTIONS.
 (a) Permit fees will be charged according to the fees listed in this section.
 (b) Travel expenses:
 (i) All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section

(11) OTHER INSPECTIONS.
 (a) Inspections not covered by above inspection fees must be charged portal-to-portal per hour: ~~(\$ 67.00)~~ \$ 68.90

(12) REFUND PROCESSING FEE.
 (a) All requests for permit fee refunds will be assessed a processing fee. ~~(\$ 10.50)~~ \$ 10.80

(13) VARIANCE REQUEST PROCESSING FEE.
 (a) Variance request processing fee. This fee is nonrefundable once the transaction has been made. ~~(\$ 67.00)~~ \$ 68.90

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-46A-915 Electrical/telecommunications contractor license, administrator certificate and examination, and copy fees.

(1) GENERAL OR SPECIALTY CONTRACTOR LICENSE (per twenty-four month period) ~~(\$ 216.25)~~ \$ 222.40
 (a) Reinstatement of a general or specialty contractor's license after a suspension ~~(\$ 43.50)~~ \$ 44.70

(2) ADMINISTRATOR CERTIFICATE
 Note: Failure to appear for an examination results in forfeiture of the examination fee.

(a) Administrator certificate examination application (nonrefundable) ~~(\$ 27.00)~~ \$ 27.70
 (b) Administrator first-time examination fee ~~(\$ 64.75)~~ \$ 66.60
 (c) Administrator retest examination fee ~~(\$ 75.75)~~ \$ 77.90
 (d) Administrator original certificate (request for certificate submitted with application) ~~(\$ 64.50)~~ \$ 66.30
 (e) Administrator certificate renewal (per twenty-four month period) ~~(\$ 81.00)~~ \$ 83.80
 (f) Late renewal of administrator certificate (per twenty-four month period) ~~(\$ 162.25)~~ \$ 166.90
 (g) Transfer of administrator designation ~~(\$ 32.25)~~ \$ 33.10
 (h) Certified copy of each document (maximum per file): ~~(\$ 45.75)~~ \$ 47.00

First document: ~~(\$ 20.75)~~ \$ 21.30

PERMANENT

	Each additional document:	\$ 2.00
(i)	Reinstatement of an administrator's certificate after a suspension	(\$ 43.50) \$ 44.70
(3)	REFUND PROCESSING FEE	(\$ 10.50) \$ 10.80

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01010 What are the permit fees for conveyances other than material lifts and hoists and how are they calculated? Permit fees are based on the total cost of the conveyance and labor to install. The following permit fees apply to the construction, alteration, or relocation of all conveyances except for material lifts:

TOTAL COST OF CONVEYANCE	FEE
\$250 to and including \$1,000	\$(30.50) 31.30
\$1,001 to and including \$15,000	
For the first \$1,001	((43.00)) 44.20
Each additional \$1,000 or fraction thereof	((8.50)) 8.70
\$15,001 to and including \$100,000	
For first \$15,001	((165.25)) 169.90
For each additional \$1,000 or fraction thereof	((5.50)) 5.60
OVER \$100,001	
For the first \$100,001	((694.50)) 714.40
For each additional \$1,000 or fraction thereof	((4.50)) 4.60

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01027 Are initial installation permit fees refundable? Your initial installation permit fees are refundable minus a processing fee unless your permits have expired. No refunds will be issued for expired permits. All requests for refunds must be submitted in writing to the elevator section and must identify the specific permits for which the refunds are requested.

The processing fee for a refund is ~~\$(26.00))~~ 26.70

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME) A17.1, the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies

with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration ~~\$(22.25))~~ 22.80
If more than two sets of plans are submitted, the fee for each additional set ~~\$(22.25))~~ 22.80

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01035 Are there inspection fees? The initial inspection of a conveyance or for the initial inspection of construction, alteration or relocation of a conveyance is included with your permit fee. Once the department has approved the conveyance you will be issued a permit that is valid for 30-days. Prior to the expiration of the 30-day permit the application for an annual operating permit and the appropriate fees must be paid to the department. Once the department has received the appropriate fees and application you will be issued your first annual operating permit. You are required to renew your annual operating permit yearly.

The following exceptions do require a fee:

RE-INSPECTION	FEE
If a conveyance does not pass an initial inspection and a second inspection is required, the fee for each conveyance re-inspected is	\$(78.75)) 81.00
If any additional re-inspections are required, the fee for each conveyance re-inspected	\$(401.75)) 104.60

The department may waive re-inspection fees.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01040 What is the fee for testing and inspecting regular elevators used as temporary personnel elevators? (1) The fee for the inspecting and testing of regular elevators used as temporary personnel elevators is ~~\$(67.50))~~ 69.40, in addition to any other fees required in this chapter. This fee purchases a 30-day temporary use permit that may be renewed at the department's discretion.

(2) When this temporary use permit is purchased, a notice declaring that the equipment has not received final approval from the department must be conspicuously posted on the elevator.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01045 What are the inspection requirements and fees for conveyances in private residences? (1) Chapter 70.87 RCW requires the department to inspect all new, altered or relocated conveyances operated exclusively for single-family use in private residences. Prior to inspection, you must complete a permit application as described in

PERMANENT

WAC 296-96-01005 and pay the appropriate fee listed in WAC 296-96-01010.

(2) Chapter 70.87 RCW allows the department to inspect conveyances operated exclusively for single-family use in private residences when the department is investigating an accident or an alleged or apparent violation of the statute or these rules.

(3) No annual inspection and operating permit is required for a private residence conveyance operated exclusively for single-family use unless the owner requests it. When an owner requests an inspection and an annual operating permit, the following fee must be paid prior to an inspection:

TYPE OF CONVEYANCE	FEE
Each inclined stairway chair lift in private residence	\$(16.50) 16.90
Each inclined wheel chair lift in a private residence	((22.25)) 22.80
Each vertical wheel chair lift in a private residence	((28.00)) 28.80
Each dumbwaiter in a private residence.	((22.25)) 22.80
Each inclined elevator at a private residence.	((78.75)) 81.00
Each private residence elevator	((50.75)) 52.20
Duplication of a lost, damaged or stolen operating permit	((5.00)) 5.10

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of ~~\$(291.50)~~ 299.80 per day plus the standard per diem and mileage allowance granted to department inspectors.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of ~~\$(56.25)~~ 57.80 per hour plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01060 Can I request an after hours inspection and what is the fee? You may request an inspection outside of normal business hours, which are 7:00 a.m. to 5:00 p.m., if an inspector is available and the inspection is authorized by the department. The minimum fee for an after-hours inspection is ~~\$(70.75)~~ 72.70 per hour plus the standard per diem and mileage allowance granted to department inspectors. This fee is in addition to any other fees required for your project.

AMENDATORY SECTION (Amending WSR 01-02-026, filed 12/22/00, effective 1/22/01)

WAC 296-96-01065 What are the annual operating permits fees? An annual operating permit will be issued to you upon payment of the appropriate fee:

TYPE OF CONVEYANCE	FEE
Each hydraulic elevator	\$(78.75)) 80.90
Each roped-hydraulic elevator	((101.75)) 104.60
plus for each hoistway opening in excess of two	((7.75)) 7.90
Each cable elevator	((101.75)) 104.60
plus for each hoistway opening in excess of two	((7.75)) 7.90
Each cable elevator traveling more than 25 feet without an opening—for each 25 foot traveled	((10.75)) 11.00
Each limited-use/limited-application (LULA) elevator	((78.75)) 80.90
Each escalator	((78.75)) 80.90
Each dumbwaiter in other than a private residence	((50.75)) 52.20
Each material lift	((67.50)) 69.40
Each incline elevator in other than a private residence	((101.75)) 104.60
Each belt manlift	((78.75)) 80.90
Each stair lift in other than a private residence	((50.75)) 52.20
Each wheel chair lift in other than a private residence	((50.75)) 52.20
Each personnel hoist	((78.75)) 80.90
Each grain elevator personnel lift	((78.75)) 80.90

PERMANENT

Each material hoist	((78.75)) 80.90	Each hand-powered manlift or freight elevator	((50.75)) 52.20
Each special purpose elevator	((78.75)) 80.90	Each boat launching elevator	((78.75)) 80.90
Each private residence elevator installed in other than a private residence	((78.75)) 80.90	Each auto parking elevator	((78.75)) 80.90
Each casket lift	((78.75)) 80.90	Each moving walk	((78.75)) 80.90
Each sidewalk freight elevator	((78.75)) 80.90	Duplication of a damaged, lost or stolen operating permit	((5.00)) 5.10

AMENDATORY SECTION (Amending WSR 99-12-080, filed 5/28/99, effective 6/28/99)

WAC 296-150C-3000 Commercial coach fees.

WAC 296-150C-3000 COMMERCIAL COACH FEES	
INITIAL FILING FEE	\$(28.00) 28.80
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$(192.00) 197.50
INITIAL FEE - ONE YEAR DESIGN	\$(78.75) 81.00
RENEWAL FEE	\$(33.50) 34.40
RESUBMIT FEE	\$(56.25) 57.80
ADDENDUM (Approval expires on same date as original plan)	\$(56.25) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140. Plan review for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	\$(56.25) 57.80
Service/feeder Ampacity:	
0 - 100	\$(25.00) 25.70
101 - 200	\$(31.25) 32.10
201 - 400	\$(58.25) 59.90
401 - 600	\$(68.75) 70.70
601 - 800	\$(88.50) 91.00
801 - 1000	\$(108.25) 111.30
Over 1000	\$(117.50) 120.80
Over 600 volts surcharge	\$(48.75) 19.20
Thermostats:	
First	\$(41.25) 11.50
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$(40.25) 10.50
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	

PERMANENT

PERMANENT

WAC 296-150C-3000 COMMERCIAL COACH FEES	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$((66.50)) 68.40
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$((54.00)) 55.50
FIRST STATION	\$((54.00)) 55.50
EACH ADDITIONAL STATION	\$((20.00)) 20.50
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	\$((85.75)) 88.20
INITIAL FEE - ONE YEAR DESIGN	\$((52.00)) 53.40
RENEWAL FEE	\$((52.00)) 53.40
ADDENDUM	\$((52.00)) 53.40
PLANS APPROVED BY PROFESSIONALS	
	\$((39.25)) 40.30
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((10.75)) 11.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
TRAVEL (Per hour)	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	
TRAVEL (Per hour*)	\$((56.25)) 57.80
PER DIEM**	\$((56.25)) 57.80
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((16.50)) 16.90
EACH ADDITIONAL SECTION	\$((10.75)) 11.00
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((10.75)) 11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((10.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

AMENDATORY SECTION (Amending WSR 99-12-080, filed 5/28/99, effective 6/28/99)

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
INITIAL FILING FEE	\$(39.25) 40.30
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	\$(192.00) 197.50
INITIAL FEE - ONE YEAR DESIGN	\$(112.75) 115.90
RENEWAL FEE	\$(39.25) 40.30
RESUBMIT FEE	\$(56.25) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$(56.25) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140, Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	\$(56.25) 57.80
Service/feeder Ampacity:	
0 - 100	\$(25.00) 25.70
101 - 200	\$(31.25) 32.10
201 - 400	\$(58.25) 59.90
401 - 600	\$(68.75) 70.70
601 - 800	\$(88.50) 91.00
801 - 1000	\$(108.25) 111.30
Over 1000	\$(117.50) 120.80
Over 600 volts surcharge	\$(18.75) 19.20
Thermostats:	
First	\$(11.25) 11.50
Each additional	\$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	\$(10.25) 10.50
Each additional circuit or zone	\$2.00
Generators, refer to appropriate service/feeder ampacity fees	
<i>Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.</i>	

PERMANENT

PERMANENT

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	\$((66.50)) 68.40
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	\$((54.00)) 55.50
FIRST STATION	\$((54.00)) 55.50
EACH ADDITIONAL STATION	\$((20.00)) 20.50
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	\$((85.75)) 88.20
INITIAL FEE-ONE YEAR DESIGN	\$((52.00)) 53.40
RENEWAL FEE	\$((52.00)) 53.40
ADDENDUM	\$((52.00)) 53.40
PLANS APPROVED BY PROFESSIONALS	
	\$((39.25)) 40.30
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	
	\$((40.75)) 11.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
TRAVEL (Per hour*)	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((56.25)) 57.80
TRAVEL (Per hour*)	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((158.00)) 162.50
EACH ADDITIONAL SECTION	\$((15.50)) 15.90
REISSUED-LOST/DAMAGED	\$((39.25)) 40.30

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES	
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((23.25)) 23.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150M-3000 Manufactured home fees.

WAC 296-150M-3000 MANUFACTURED HOME FEES	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$((112.75)) 115.90
STRUCTURAL ALTERATION - ONE YEAR DESIGN	\$((78.75)) 81.00
RENEWAL FEE	\$((23.75)) 34.70
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on the same date as original plan.)	\$((56.25)) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
DEPARTMENT INSPECTION FEES:	
INSPECTION (Per hour*)	\$((56.25)) 57.80
OTHER REQUIRED INSPECTIONS (Per hour*)	\$((56.25)) 57.80
ALL REINSPECTIONS (Per hour*)	\$((56.25)) 57.80
INSIGNIA FEES:	
ALTERATION	\$((28.00)) 28.80
REISSUED - LOST/DAMAGED	\$((16.50)) 16.90
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$((25.75)) 26.40
Second and succeeding inspections of unlabelled sections (Per hour*)	\$((56.25)) 57.80
OTHER IPIA FEES:	

PERMANENT

PERMANENT

WAC 296-150M-3000 MANUFACTURED HOME FEES	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$((56.25)) 57.80
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Attendance at manufacturers training classes (Per hour* only)	\$((56.25)) 57.80
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Alterations to a labelled unit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$((56.25)) 57.80
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage per each inspector)	\$((56.25)) 57.80
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$((56.25)) 57.80
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((10.75)) 11.00
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150P-3000 Recreational park trailer fees.

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	\$((78.75)) 81.00
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	\$((104.00)) 106.90
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$((56.25)) 57.80

WAC 296-150P-3000 RECREATIONAL PARK TRAILER FEES	
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$((+0.75)) 11.00
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM	\$((56.25)) 57.80
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$((+0.50)) 10.80
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((+0.50)) 10.80
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$((+0.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

AMENDATORY SECTION (Amending WSR 00-17-148, filed 8/22/00, effective 9/30/00)

WAC 296-150R-3000 Recreational vehicle fees.

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
STATE PLAN	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	\$((78.75)) 81.00
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$((56.25)) 57.80
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	\$((40.75)) 11.00
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM	\$((56.25)) 57.80
ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	\$((40.25)) 10.50
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((40.25)) 10.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

WAC 296-150R-3000 RECREATIONAL VEHICLE FEES	
SELF CERTIFICATION	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	\$((78.75)) 81.00
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan.)	\$((56.25)) 57.80
ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	\$((40.75)) 11.00
RESUBMITTAL FEE	\$((56.25)) 57.80
ADDENDUM	\$((56.25)) 57.80
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	\$((56.25)) 57.80
TRAVEL (per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	\$((40.25)) 10.50
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((40.25)) 10.50
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

PERMANENT

AMENDATORY SECTION (Amending WSR 99-12-079, filed 5/28/99, effective 6/28/99)

WAC 296-150T-3000 Factory-built temporary worker housing fees.

WAC 296-150T-3000 TEMPORARY WORKER HOUSING FEES	
INITIAL FILING FEE	\$((39.25)) 40.30
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	\$((112.75)) 115.90
RENEWAL FEE	\$((39.25)) 40.30
RESUBMIT FEE	\$((56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan)	\$((56.25)) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	\$((66.50)) 68.40
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((10.75)) 11.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
TRAVEL (Per hour)*	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((56.25)) 57.80
TRAVEL (Per hour*)	\$((56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((158.00)) 162.50
EACH ADDITIONAL SECTION	\$((15.50)) 15.90
REISSUED-LOST/DAMAGED	\$((39.25)) 40.30
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((23.25)) 23.90
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	\$((10.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

PERMANENT

AMENDATORY SECTION (Amending WSR 99-18-069, filed 8/31/99, effective 10/1/99)

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS	
INITIAL FILING FEE	\$((28.00)) 28.80
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	\$((-192.00)) 197.50
INITIAL FEE - ONE YEAR DESIGN	\$((-78.75)) 81.00
RENEWAL FEE	\$((-33.75)) 34.70
RESUBMIT FEE	\$((-56.25)) 57.80
ADDENDUM (Approval expires on same date as original plan)	\$((-56.25)) 57.80
<u>ELECTRONIC PLAN SUBMITTAL FEE \$4.50 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.</u>	
RECIPROCAL PLAN REVIEW: (Pending)	
INITIAL FEE - MASTER DESIGN	\$((-85.75)) 88.20
INITIAL FEE - ONE YEAR DESIGN	\$((-52.00)) 53.40
RENEWAL FEE	\$((-52.00)) 53.40
ADDENDUM	\$((-52.00)) 53.40
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((-10.75)) 11.00
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((-56.25)) 57.80
TRAVEL (Per hour)*	\$((-56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((-56.25)) 57.80
TRAVEL (Per hour*)	\$((-56.25)) 57.80
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	

PERMANENT

WAC 296-150V-3000 CONVERSION VENDOR UNITS AND MEDICAL UNITS	
INSIGNIA FEES:	
FIRST SECTION	\$((16.50)) 16.90
ALTERATION	\$((28.00)) 28.80
REISSUED-LOST/DAMAGED	\$((40.75)) 11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((56.25)) 57.80
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year <u>upon request</u>)	\$((40.75)) 11.00
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

AMENDATORY SECTION (Amending WSR 99-12-080, filed 5/28/99, effective 6/28/99)

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal and reinstatement of certificates of registration? (1) For the purposes of this chapter:

(a) A contractor's registration is **renewed** before it expires.

(b) A contractor's registration is **reinstated** after the registration:

(i) Has expired; or

(ii) Has been suspended because the contractor's insurance has expired; or

(iii) Has been suspended because the contractor's bond has been canceled or impaired.

(c) A contractor **reregisters** when his or her business structure changes.

(2) The department charges the following fees:

(a) Before August 1, 2001:

(i) \$45.00 for each issuance, renewal or reregistration of a certificate of registration.

~~((b)) \$45.00~~ (ii) \$46.20 for the reinstatement of a certificate of registration.

(b) On or after August 1, 2001:

(i) \$50.00 for each issuance, renewal or reregistration of a certificate of registration for contractors with an even numbered Unified Business Identifier number. This registration is valid for one year from date of issuance, renewal or reregistration or until it is suspended or revoked.

(ii) \$100.00 for each issuance, renewal or reregistration of a certificate of registration for contractors with an odd numbered Unified Business Identifier number or those who are not required to have a Unified Business Identifier by the department of revenue. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(iii) \$46.20 for the reinstatement of a certificate of registration.

(iv) After the issuance, renewal or reregistration of a certificate of registration granted under (b)(i) and (ii) of this subsection all contractors (regardless of Unified Business Identifier number) must comply with the two-year registration provisions established under (b)(ii) of this subsection.

(c) ~~((10.75))~~ \$11.00 for providing a duplicate certificate of registration.

(d) ~~((21.50))~~ \$22.10 for each requested certified letter prepared by the department.

(e) \$2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be ~~((25.00))~~ \$25.70.

(f) On or after July 22, 2001, a fee of \$20.00 is required to cover the costs for the service of process in an action against the contractor, the contractor's bond, or the deposit under RCW 18.27.040.

AMENDATORY SECTION (Amending WSR 01-01-097, filed 12/15/00, effective 1/18/01)

WAC 296-401B-700 Fees for certificates of competency, examination and reciprocity. When an individual applies to take a competency examination or to obtain a certificate of competency, the individual must pay the appropriate fee(s) listed below.

Type of Certificate	Fee
(1) Journeyman or specialty electrician certificate renewal (per 36-month period)	\$((64.50)) 66.30
(2) Late renewal of journeyman or specialty electrician certificate (per 36-month period)	\$((130.00)) 133.70
(3) Journeyman or specialty electrician examination application (non-refundable)	\$((27.00)) 27.70
(4) Journeyman or specialty electrician original certificate	\$((42.50)) 43.70

PERMANENT

	Type of Certificate	Fee
(5)	Training certificate (expires one year after purchase)	\$(20.75) <u>21.30</u>
(6)	Training certificate renewal or update of hours	\$(20.75) <u>21.30</u>
(7)	Unsupervised electrical training certificate	\$(20.75) <u>21.30</u>
(8)	Journeyman or specialty electrician test or retest	\$(48.75) <u>50.10</u>
(9)	Reciprocal journeyman or specialty certificate	\$(69.50) <u>71.40</u>
(10)	Reinstatement of journeyman or specialty certificate	\$(20.75) <u>21.30</u>
(11)	Continuing education course submittal and approval, per course	\$(41.50) <u>42.60</u>
(12)	Continuing education course renewal, per course	\$(20.75) <u>21.30</u>
(13)	Refund processing fee. All requests for refunds will be assessed a processing fee	\$(40.50) <u>10.80</u>

Note: Failure to appear for an examination results in forfeiture of the examination fee.

Changes Other than Editing from Proposed to Adopted Version: Proposed amendment to WAC 388-96-310 has been withdrawn.

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 17, 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 3, Amended 17, Repealed 0.

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

May 29, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 01-14 issue of the Register.

PERMANENT

WSR 01-11-037
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Adult Services)
(Office of Rates Management)
[Filed May 29, 2001, 3:35 p.m.]

Date of Adoption: May 29, 2001.

Purpose: Clarify and revise chapter 388-96 WAC on settlements (WAC 388-96-218); bed banking and conversion (WAC 388-96-708 and 388-96-709), new contractors rates (WAC 388-96-710); lid and median calculation and use of greater of actual [days] or days at 85% occupancy to set rates (WAC 388-96-713); budget dial comparisons (WAC 388-96-723); case mix index for not meeting 90% MDS return threshold (WAC 388-96-740); effective date of capital add-on (WAC 388-96-776); and add delay of preliminary settlement as not subject to WAC 388-96-904 hearing (WAC 388-96-901). Add new sections receipt notice (WAC 388-96-732); not billing for the last day of stay (WAC 388-96-802); and requirement to report change in resident finances within seventy-two hours (WAC 388-96-803).

Citation of Existing Rules Affected by this Order: Amending WAC 388-96-010, 388-96-218, 388-96-369, 388-96-384, 388-96-559, 388-96-708, 388-96-709, 388-96-710, 388-96-718, 388-96-713, 388-96-714, 388-96-723, 388-96-740, 388-96-776, 388-96-777, 388-96-780, and 388-96-901.

Statutory Authority for Adoption: RCW 74.46.800.

Adopted under notice filed as WSR 01-06-057 on March 7, 2001.

WSR 01-12-039
PERMANENT RULES
LOTTERY COMMISSION

[Filed May 30, 2001, 9:18 a.m.]

Date of Adoption: May 18, 2001.

Purpose: This rule requires retailer compliance with the state and federal laws prohibiting discrimination against persons with disabilities.

Citation of Existing Rules Affected by this Order: Amending WAC 315-04-085.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 01-08-037 on March 30, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, 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: Thirty-one days after filing.
 May 29, 2001
 Mary Jane Ferguson
 Rules Coordinator

NEW SECTION

WAC 315-04-085 Accessibility for persons with disabilities. Pursuant to lottery rules and policy, lottery retailers shall comply with state and federal laws prohibiting discrimination against and requiring accessibility for persons with disabilities, including, but not limited to, the Americans with Disabilities Act of 1990 and chapter 49.60 RCW. Prior to any sale of lottery tickets, new lottery retailers must certify that they comply with state and federal laws or must submit a plan that ensures that they will comply within a reasonable amount of time. Within time limits specified by the lottery, retailers who hold lottery licenses at the time this rule takes effect must certify that they comply with state and federal laws or must submit a plan that ensures that they will comply within a reasonable amount of time.

**WSR 01-12-040
 PERMANENT RULES
 LOTTERY COMMISSION**

[Filed May 30, 2001, 9:19 a.m.]

Date of Adoption: May 18, 2001.

Purpose: This rule is to clarify the publishing of the probability of purchasing a winning lottery ticket on lottery advertising and other materials.

Citation of Existing Rules Affected by this Order: Amending WAC 315-06-040.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 01-08-038 on March 30, 2001.

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 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 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.
 May 29, 2001
 Mary Jane Ferguson
 Rules Coordinator

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-06-040 Disclosure of probability of purchasing a winning ticket. (1) The estimated average probability of purchasing a winning ticket shall be conspicuously displayed on:

~~(a) The back of tickets for a specific game (The estimated average probability of purchasing a winning ticket for each category of prize in a specific game shall be conspicuously displayed on:~~

~~(a));~~

(b) All printed promotional and advertising materials for a specific game, including but not limited to, brochures, posters, billboards, placards, and point-of-sale displays (and

~~(b) Instructions to lottery retailers for the conduct of a specific game).~~

(2) The estimated average probability of purchasing a winning ticket shall be communicated in television and radio commercials for a specific game.

~~((2))~~ (3) The estimated average probability of purchasing a winning ticket for each category of prize in a specific game shall be conspicuously displayed as part of:

(a) The "how-to-play" brochure which explains the procedures for the lottery's on-line games; and

(b) The brochures of instructions to lottery retailers for the conduct of specific scratch games.

(4) The disclosure required by this section shall not apply to generic promotional and advertising materials publicizing the Washington state lottery which do not promote a specific game.

**WSR 01-12-041
 PERMANENT RULES
 DEPARTMENT OF REVENUE**

[Filed May 30, 2001, 12:58 p.m.]

Date of Adoption: May 30, 2001.

Purpose: These rules explain the sales and use tax deferral program for manufacturers and research and development facilities located in distressed areas as provided by chapter 82.60 RCW. They provide definitions, guidance on the use of the deferral certificate, and the record-keeping requirements of the distressed area deferral program. The legislature has revised the program criteria several times and each revision created additional criteria for prospective applicants. The revised WAC 458-20-24001 explains the current program criteria, requirements, and procedures, which have been in effect for applications filed after July 31, 1999. The new WAC 458-20-24001A explains the program criteria, requirements, and procedures that apply to previous periods. WAC 458-20-24001A provides the information in three separate parts, each based on the period application for [which] the deferral program was made. The parts are drafted to stand on their own so that the reader need only read the part that applies to the period during which application was made to find all pertinent information.

PERMANENT

Citation of Existing Rules Affected by this Order:
Amending WAC 458-20-24001 Sales and use tax deferral—
Manufacturing and research/development activities in dis-
tressed areas—Applications filed after July 31, 1999.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 01-08-034 on March
29, 2001.

Changes Other than Editing from Proposed to Adopted
Version: Description of changes from proposed Rule 24001
to adopted Rules 24001 and 24001A:

In Rule 24001, we added the term "deferral" in the sec-
ond sentence of subsection (2)(j), so that it properly reads
"When an application for sales and use tax deferral is timely
submitted, costs incurred before the application date are
allowable, if they otherwise qualify."

In Rule 24001, we added the following sentences after
the first sentence of the second paragraph of subsection
(4)(b), "The department has instituted a geographic informa-
tion system (GIS) to assist taxpayers in determining taxing
jurisdiction boundaries, local tax rates, and a mapping an
address lookup system to determine whether a specific
address is within a CEZ. The system is available on the
department's internet website at <http://www.dor.wa.gov>."
These two sentences were also added to Rule 24001A in sub-
sections (3)(b)(iii) and (16)(c).

In Rule 24001, we added the following phrase to the sec-
ond sentence of subsection (2)(k), "computer programming,
the production of computer software" to the definition of
manufacturing. We added the same phrase to Rule 24001A
in the second sentences of subsections (1)(k), (14)(l), and
(27)(l). This language is in the statute, but unintentionally
left out of the proposed rule drafts.

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 1,
Repealed 0.

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 Ini-
tiative: New 1, 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 Mak-
ing: New 0, Amended 0, Repealed 0; or Other Alternative
Rule Making: New 1, Amended 1, Repealed 0.

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

May 30, 2001

Russell W. Brubaker

Assistant Director

Legislation and Policy

AMENDATORY SECTION (Amending Order 88-5, filed
8/16/88)

**WAC 458-20-24001 Sales and use tax deferral—
Manufacturing and research/development ((~~facilities~~))**

**activities in distressed areas—Applications filed after
July 31, 1999.** ((~~(1) Introduction. Chapter 82.60 RCW estab-
lishes a sales and use tax deferral program. The purpose of
the program is to promote economic stimulation, create
employment opportunities, and reduce poverty in certain dis-
tressed areas of the state. Thus, the legislature established this
tax deferral program to be effective solely in those distressed
areas and under circumstances where the deferred tax pay-
ments are for investments or costs that result in the creation
of a specified minimum number of jobs. In general, the defer-
ral applies to sales and use taxes on materials, labor, and ser-
vices rendered in the construction of qualified buildings,
machinery, and equipment.~~

~~(2) In addition to the tax deferral benefits of this pro-
gram, the department of employment security administers
economic incentives and funding programs which encourage
"first source contract" hiring of unemployed persons and
state public assistance recipients. The employment security
department should be contacted directly for information con-
cerning such nontax related programs.~~

~~(3) Definition of terms. For purposes of this section:~~

~~(a) "Applicant" means a person applying for a tax defer-
ral under chapter 82.60 RCW.~~

~~(b) "Person" has the meaning given in RCW 82.04.030.
It means any individual, receiver, administrator, executor,
assignee, trustee in bankruptcy, trust, estate, firm, copartner-
ship, joint venture, club, company, joint stock company, busi-
ness trust, municipal corporation, political subdivision of the
state of Washington, corporation, association, society, or any
group of individuals acting as a unit, whether mutual, cooper-
ative, fraternal, nonprofit, or otherwise and the United States
or any instrumentality thereof. For purposes of this section
the relationship of landlord and tenant between separate per-
sons, at arms length, shall not be considered as any of the
types of relationships which are identified above as "per-
sons."~~

~~(c) "Certificate holder" means an applicant to whom a
tax deferral certificate has been issued.~~

~~(d) "Recipient" means a person who has been granted a
tax deferral under this program.~~

~~(e) "Department" means the department of revenue.~~

~~(f) "Eligible area" means:~~

~~(i) A county in which the average level of unemployment
for the three calendar years preceding the year in which an
application is filed exceeds the average state unemployment
for those years by twenty percent; or~~

~~(ii) A metropolitan statistical area, as defined by the
Office of Federal Statistical Policy and Standards, United
States Department of Commerce, in which the average level
of unemployment for the calendar year immediately preced-
ing the year in which an application is filed under this chapter
exceeds the average state unemployment for such calendar
year by twenty percent. Applications under this subsection
shall be filed by April 30, 1989. For the purpose of (f)(i)
of this subsection, the average unemployment rate for the
county must be twenty percent above the average unemploy-
ment rate for the state in the preceding three calendar years.
In determining an eligible area under this subsection the
department may compare the county's average unemploy-~~

PERMANENT

ment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security.

(g) "Eligible investment project" means that portion of an investment project which:

(i) Is directly utilized to create at least one new full time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation or expands or diversifies a current operation by expanding or renovating an existing building, machinery and equipment, with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to the improvement. (See the definition of "improvement" in (h)(iii) of this subsection.)

(h) For the purposes of the above paragraph the following definitions will apply:

(i) "Qualified employment position" means a permanent, full-time employee employed in the eligible investment project during the entire tax year following the operational completion of the project. In the event an employee is either voluntarily or involuntarily separated from employment the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(ii) The requirement for employment during the "entire tax year," for purposes of this tax deferral program, will be satisfied if the full-time position is filled for a period of twelve consecutive months.

(iii) An "improvement" shall mean the physical alteration by significant expansion, modernization, or renovation of an existing plant complex, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing plant complex prior to the initiation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone.

(iv) "True and fair value" means the value listed on the assessment rolls as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application.

(v) "Plant complex" shall mean land, machinery, and buildings adapted to industrial, computer, warehouse, or research and development use as a single functional or operational unit for the designing, assembling, processing, or manufacturing of finished or partially finished products from raw materials or fabricated parts.

(vi) "Eligible investment project" does not include either an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), or investment projects

which have already received deferrals under chapter 82.60 RCW.

(i) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel its own building, but leases from a third party, is eligible for sales and use tax deferral provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, and equipment vests in the same persons.

(j) "Manufacturing" has the meaning given in RCW 82.04.110 and WAC 458-20-136 now and as hereafter amended. Manufacturing, for purposes of this section, shall also include computer programming, the production of computer-related service, and the activities performed by research and development laboratories and commercial testing laboratories.

(k) "Qualified buildings" means new structures used to house manufacturing activities as defined above and includes plant offices, warehouses, or other facilities for the storage of raw material and finished goods if such facilities are essential or an integral part of a manufacturing operation. The term also includes parking lots, landscaping, sewage disposal systems, cafeterias, and the like, which are attendant to the initial construction of an eligible investment project. The term "new structures" means either a newly constructed building or a building newly purchased by the certificate holder. A pre-owned or existing building is eligible for deferral provided that the certificate holder expands, modernizes, renovates, or remodels the pre-owned or existing building by physical alteration thereof.

(l) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation, as defined above. "Qualified machinery and equipment" includes, but is not limited to, computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long or short term lease by the recipient. The tax deferral applies to equipment purchased outright by the recipient (or the transfer of machinery and equipment into the state of Washington) and leased equipment. Acquisition of spare parts for machinery, equipment, etc., in excess of normal operating levels shall not be eligible for deferral.

(m) "New machinery and equipment" means either new to the taxing jurisdiction of the state or new to the certificate holder. Used equipment is eligible for deferral provided that the certificate holder either brings the machinery or equipment into Washington for the first time or purchases it at retail in Washington.

(n) "Initiation of construction," for purposes of applying for the investment tax deferral relating to the construction of

new buildings, shall mean the date upon which on-site construction work commences:

(o) "Initiation of construction," for purposes of applying for the investment tax deferral relating to a major improvement of existing buildings, shall mean the date upon which the new construction by renovation, modernization, or expansion, by physical alteration, begins:

(p) "Operationally complete" means the eligible investment project is constructed or improved to the point of being fully and functionally useable for its intended purpose as described in the application.

(4) Application procedure. An application for sales and use tax deferral under this program must be made prior to the initiation of construction, as defined above. However, any application by a metropolitan statistical area defined as an "eligible area" in subsection (3)(f)(ii) of this section must be filed by April 30, 1989. Application forms will be supplied to the applicant by the department upon request. The completed application is to be sent in duplicate to the following address:

State of Washington
Department of Revenue
Audit Procedures & Review
Olympia, WA 98504
Mail Stop AX-02

(5) The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, a tax deferral certificate shall be issued effective as of the date the application was received by the department. If disapproved, the department shall notify the applicant as to the reason(s) for disapproval. The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100, within twenty days from the date of notice of the department's refusal, or within any extension of such time granted by the department.

(6) For purposes of making application for tax deferral and of approving such applications, the state-wide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will publish a list of eligible areas by county, on May 1 of each year.

(7) Use of the certificate. A tax deferral certificate issued under this program shall be for the use of the recipient thereof for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings and qualified machinery and equipment as defined in this section. Thus, sales and use taxes cannot be deferred on items which do not become part of the qualified buildings, machinery, and equipment.

(8) The tax deferral certificate shall be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102. The certificate holder shall provide its vendors with a copy of the tax deferral certificate at the time goods or services are purchased. The seller or vendor shall be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller or vendor shall retain a copy of the certificate as part of its permanent records. A blanket certificate may be provided by the certifi-

cate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller or vendor is liable for reporting business and occupation tax on all tax deferral sales.

(9) Audit procedure. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a sales and use tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate. At that time the certificate holder may not utilize the certificate further. If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may apply for a supplemental certificate stating a revised amount upon which the deferral of sales and use taxes is requested. The certificate holder shall amend the original application to account for the additional costs. The department will grant or deny the amended application on the same basis as original applications.

(10) The certificate holder shall notify the department in writing when the construction project is operationally complete. Upon receipt of such notification or other information, the department shall conduct a final audit of the investment project. The certificate holder shall open its books and records to the department and make available the final cost figures for the investment project. The department may request reasonable supporting documentation and other proof to justify the final cost of the project.

(11) Upon completion of the audit the department shall certify the amount of sales and use taxes subject to deferral and the date on which the project was operationally complete. The recipient shall be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes shall be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within twenty days from the date of the notice of disallowance.

(12) The department shall keep a running total of all deferral certificates granted during each fiscal biennium.

(13) The deferral is allowable only in respect to investment in the construction of a new plant complex or the enlargement or improvement of an existing plant complex directly used in manufacturing activities, as defined above. Where a plant complex is used partly for manufacturing and partly for purposes which do not qualify for deferral under this section and it is not possible to identify the nonqualifying items through separate accounting, the applicable tax deferral shall be determined by apportionment according to the ratio which the construction cost per square foot of that portion of the plant complex directly used for manufacturing purposes bears to the construction cost per square foot of the total plant complex.

(14) The amount of tax deferral allowable for leased equipment shall be calculated upon that amount of the consideration paid by the lessee/recipient to the lessor:

~~(a) Over the initial term of the lease, excluding any period of extension or option to renew, where the lease term ends on or before the last date for repayment of the deferred taxes; or~~

~~(b) Over that portion of the lease term to the last date for repayment of deferred taxes as provided hereinafter, where the lease term, excluding any period of extension or option to renew extends beyond such repayment date.~~

~~(15) After that date the lessee/recipient shall pay the appropriate sales taxes to the lessor for the remaining term of the lease.~~

~~(16) No taxes may be deferred under this section prior to July 1, 1985. No applications for deferral of taxes will be accepted after May 1, 1994 nor will sales or use tax deferral certificates be issued on or after July 1, 1994. See subsection (4) of this section for application deadline for any metropolitan statistical area. In tabulating the total amount of deferrals granted under this law there shall be considered a total of three fiscal biennia within which applications shall be accepted.~~

~~(17) Reporting and monitoring procedure. Each recipient of sales and use tax deferral shall submit a report to the department on December 31st of each year during the repayment period until all taxes are repaid. The first report shall be submitted in the third year after the date on which the construction project has been operationally complete to coincide with the first payment of deferred taxes. The report shall contain information from which the department may determine whether the recipient is meeting the requirements of the deferral law.~~

~~(18) The report shall be made to the department in a form and manner prescribed by the department. The report shall contain information regarding the recipient's average employment in the state for the prior three years, the actual employment related to the project, the actual wages of the employees related to the project, and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.~~

~~(19) The department shall notify the department of employment security of the names of all recipients of tax deferrals under this program. On or before December 31st of each year a deferral is in effect, the department shall request information on each recipient's employment in the state for that year, including employment related to the deferral project, and the wages of such employees. The department of employment security shall make, and certify to the department, all determinations of employment and wages required under this subsection.~~

~~(20) If, on the basis of the recipient's annual report or other information including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, the department will (a) declare the amount of deferred taxes outstanding to be immediately due or (b) assess interest on the deferred taxes for the project.~~

~~(21) If the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department shall assess interest, but not penalties, on the deferred taxes. The interest shall be assessed at the rate of nine percent per annum, shall be assessed retroactively to the date of deferral, and shall accrue until the deferred taxes are paid. A recipient of deferred taxes shall have from the date on which the construction project was certified as operationally complete to December 31st of the first year of repayment in which to create the required number of employment positions under this law.~~

~~(22) If the department finds that the investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the amount of deferred taxes outstanding for the project shall be immediately due. The reasons for disqualification include, but are not limited to, the following:~~

~~(a) The facility is not used for a manufacturing, warehouse, computer, or research and development operations;~~

~~(b) The recipient has not made an investment in qualified buildings, machinery, and equipment.~~

~~(23) Any action taken by the department to assess interest or disqualify a recipient for tax deferral shall be subject to administrative review pursuant to the provisions of WAC 458-20-100.~~

~~(24) The law expressly excuses the obligation for repayment of sales or use tax upon the value of labor directly applied in the construction of an investment project for which deferral has been granted. Provided:~~

~~(a) That deferral has been granted after June 11, 1986; and~~

~~(b) That eligibility for the granted tax deferral has been perfected by actually meeting all of the eligibility requirements, based upon the recipient's annual December 31 reports and any other information available to the department.~~

~~(25) The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the value of labor charged separately from the value of materials.~~

~~(26) The above information must be maintained in the recipient's permanent records for the department's review and verification at the time of the final audit of the investment project.~~

~~(27) In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges.~~

~~(28) The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.~~

~~(29) Payment procedures. The recipient of sales and use tax deferral under this program shall begin paying the~~

deferred taxes in the third year after the date certified by the department as the date on which the construction project was operationally complete. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(30) ~~The department may authorize an accelerated repayment schedule upon request of the recipient. Interest shall not be charged on any taxes deferred under this rule during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW. The debt for deferred taxes shall not be extinguished by insolvency or other failure of the recipient nor shall the debt for the deferred taxes be extinguished by the sale, exchange, or other disposition of the recipient's business. Any person who becomes a successor (see WAC 458-20-216) to such investment project shall be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.~~

(31) ~~Disclosure of information. The law provides that information contained in applications, reports, and other information received by the department in connection with this tax deferral program shall not be confidential and shall be subject to disclosure.~~) (1) **Introduction.** Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and under circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.

(a) This deferral program applies to taxes imposed on the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period. This rule does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.

(b) This program was first enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, and 1999, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. This rule sets forth the requirements for applica-

tions made after July 31, 1999. For applications made prior to August 1, 1999, see WAC 458-20-24001A.

(c) The employment security department and the department of community, trade, and economic development administer programs for distressed areas and job training and should be contacted directly for information concerning these programs.

(2) **Definitions.** The following definitions apply to applications made after July 31, 1999.

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Rural county. A rural county is a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th; or

(ii) Community empowerment zone (CEZ). A "community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director or a county containing a CEZ.

(g) "Eligible investment project" means an investment project in an eligible area. "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an investment project that has already received a deferral under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Land clearing prior to excavation of the building site does not commence construction nor does planning commence construction.

(j) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify.

(k) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(l) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(m) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of chapter 82.60 RCW. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(n) "Qualified buildings" means construction of new structures and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing and research and development activities.

"Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential to or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means buildings or facilities used for the storage of raw materials or finished goods.

(o) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. Full-time means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(p) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing compo-

nents such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(q) "Recipient" means a person receiving a tax deferral under this program.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(s) "Resident" means the person who fills the qualified employment position makes his or her home in the CEZ. A mailing address alone is insufficient to establish that a person is a resident.

(3) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(4) **Eligible investment amount.** There may or may not be a hiring requirement, depending on the location of the project.

(a) **No hiring requirements.** There are no hiring requirements for qualifying projects located in counties with fewer than one hundred persons per square mile. Monitoring and reporting procedures are explained in subsection (12) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (5) of this rule explains the procedure for apportionment.

(b) **Hiring requirements.** There are hiring requirements for qualifying projects located in CEZs or in counties containing CEZs. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired based on the following formula:

Number of qualified employment positions to be hired x \$750,000 = amount of investment eligible for deferral

Applicants must make good faith estimates of hiring.

The recipient must fill the positions by persons who at the time of hire are residents of the CEZ. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet website at <http://www.dor.wa.gov>. A recipient must fill the qualified employment positions by the end of the calendar year following the year in which the project is certified as operationally complete and retain the position during the entire tax year. If the recipient does not fill the qualified employment positions by the end of the second calendar year following the year in

which the project is certified as operationally complete, all deferred taxes are immediately due.

(5) Apportionment of costs between qualifying and nonqualifying investments. The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing, research and development, and commercial testing laboratories.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes that do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio the construction cost per square foot of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the construction cost per square foot of the total building(s).

Apportionment formula:

Eligible square feet of building(s)

_____ = Percent Eligible

Total square feet of building(s)

Percent Eligible x Total Project Costs = Eligible Costs.

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

Eligible Tax Deferred = Eligible Cost x Tax Rate.

(b) Qualified machinery and equipment is not subject to apportionment.

(6) Leased equipment. The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(7) Application procedure and review process. An application for sales and use tax deferral under this program must be made prior to the initiation of construction, prior to the acquisition of machinery and equipment, and prior to the filling of qualified employment positions. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by FAX to (360) 586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box 448
Olympia, WA 98507-0448

Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or FAX date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of the disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(8) Program termination. No applications for deferral of taxes will be accepted after June 30, 2004.

(9) Eligible area criteria. The office of financial management will determine annually the counties with fewer than one hundred persons per square mile. The department will update and distribute the list each year. The list will be effective on July 1 of each year.

If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on October 1, 1999, the city of Yakima qualifies as a CEZ, and the entire county of Yakima has fewer than one hundred persons per square mile. The CEZ requirements are more restrictive than counties containing fewer than one hundred persons per square mile. The department will assign the project to the "fewer than one hundred persons per square mile designation" unless the applicant elects to be bound by the CEZ requirements.

(10) Use of the certificate. A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified building or qualified machinery and equipment as defined in this rule. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved

PERMANENT

of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(11) Project operationally complete. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral taxes are requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project is operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(12) Reporting and monitoring procedure. Requirement to submit annual reports. Each recipient of a tax deferral under chapter 82.60 RCW must submit a report on December 31st of the year in which the investment project is certified by the department as having been operationally completed and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(13) Repayment of deferred taxes. Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection.

(a) Repayment of tax deferred under chapter 82.60 RCW is not required, and interest and penalties under RCW 82.60.070 will not be imposed, on machinery and equipment that qualifies for exemption under RCW 82.08.02565 or 82.12.02565.

(b) The following subsections describe the various circumstances under which repayment of the deferral may occur. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%

Repayment Year	Percentage of Deferred Tax Waived
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or assess interest will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(c) Failure of investment project to satisfy general conditions. If, on the basis of the recipient's annual report or other information, including that submitted by the employment security department, the department of revenue finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. An example of a disqualification under this section is a facility not being used for a manufacturing or research and development operation.

(d) Failure of investment project to satisfy required employment positions conditions. If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date the application was filed). There is no proration of the amount owed under this subsection. No penalties will be assessed.

(14) Debt not extinguished because of insolvency or sale. Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of chapter 82.60 RCW, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient of the deferral.

(15) Disclosure of information. Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PERMANENT

NEW SECTION

WAC 458-20-24001A Sales and use tax deferral—Manufacturing and research/development activities in distressed areas—Applications filed prior to August 1, 1999. Introduction. Chapter 82.60 RCW establishes a sales and use tax deferral program. The purpose of the program is to promote economic stimulation, create employment opportunities, and reduce poverty in certain areas of the state. The legislature established this program to be effective solely in those areas and for those circumstances where the deferral is for investments that result in the creation of a specified minimum number of jobs or investment for a qualifying project.

The program applies to sales and use taxes on materials and labor and services rendered in the construction of qualified buildings or acquisition of qualified machinery and equipment and requires the recipient of the deferral to maintain the manufacturing or research and development activity for an eight-year period. This rule does not address RCW 82.08.02565 and 82.12.02565, which provide a statewide sales and use tax exemption for machinery and equipment used directly in a manufacturing operation. Refer to WAC 458-20-13601 for more information regarding the statewide exemption.

This program was enacted in 1985. The legislature made major revisions to program criteria in 1993, 1994, 1995, 1996, and 1999, specifically to the definitions of "eligible area," "eligible investment project," and "qualified building." Each revision created additional criteria for prospective applicants. This rule is written in three parts and covers applications made prior to July 31, 1999. Each part sets forth the requirements on the basis of the period of time in which application is made. Refer to the year during which application was made for information on an individual application. For applications made after July 31, 1999, see WAC 458-20-24001.

The employment security department and the department of community, trade, and economic development administer additional programs for distressed areas and job training and should be contacted directly for information concerning these programs.

PART I**Applications after July 1, 1995, to July 31, 1999**

(1) **Definitions.** For the purposes of this part, the following definitions apply for applications made on and after July 1, 1995, and before August 1, 1999:

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and

the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, or upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services.

(e) "Department" means the department of revenue.

(f) "Eligible area" means one of the areas designated according to the following classifications:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. In making this calculation, the department will compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) Median income county. On and after June 6, 1996, a county that has a median household income that is less than seventy-five percent of the state median income for the previous three years;

(iii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent;

(iv) CEZ and county containing a CEZ. A designated community empowerment zone (CEZ) approved under RCW 43.63A.700 or a county containing such a community empowerment zone;

(v) Timber impact area towns. A town with a population of less than twelve hundred persons that is located in a county that is a timber impact area, as defined in RCW 43.31.601, but that is not an unemployment county as defined in Part I;

(vi) Governor's designation county. A county designated by the governor as an eligible area under RCW 82.60.047; or

(vii) Contiguous county. A county that is contiguous to an unemployment county or a governor's designation county.

(g)(i) "Eligible investment project" means:

(A) An investment project in an unemployment county, a median income county, an MSA, a timber impact area town, or a governor's designation county; or

(B) That portion of an investment project in a CEZ, a county containing a CEZ, or a contiguous county, that is directly utilized to create at least one new full-time qualified employment position for each seven hundred fifty thousand dollars of investment.

(ii) "Eligible investment project" does not include an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. It also does not include an

investment project that has already received a deferral under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction, expansion, or renovation of buildings, means the commencement of on-site construction work. Land clearing prior to excavation of the building site does not commence construction nor does planning commence construction.

(j) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. When an application for sales and use tax deferral is timely submitted, costs incurred before the application date are allowable, if they otherwise qualify.

(k) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(l) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(m) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of RCW 82.60. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests exclusively in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(n) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity, used for manufacturing and research and development activities.

"Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(o) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours a week, 455 hours a quarter, or 1,820 hours a year.

(p) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes computers, desks, filing cabinets, photocopiers, printers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(q) "Recipient" means a person receiving a tax deferral under this program.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(2) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(3) **Eligible investment amount.** There may or may not be a hiring requirement, depending on the location of the project.

(a) **No hiring requirements.** There are no hiring requirements for qualifying projects located in distressed counties, MSAs, median income counties, governor-designated counties, or timber impact towns. Monitoring and reporting procedures are explained in subsection (10) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (4) of this rule explains the procedure for apportionment.

(b) **Hiring requirements.** There are hiring requirements for qualifying projects located in CEZs, in counties containing CEZs, or in contiguous counties. Total qualifying project costs, including any part of the project that would qualify under RCW 82.08.02565 and 82.12.02565, must be examined to determine the number of positions associated with the project. An applicant who knows at the time of application that he or she will not fill the required qualified employment positions is not eligible for the deferral. Applicants must make good faith estimates of hiring. The applicant applies for a deferral of investment that correlates to the estimated number of persons to be hired. The investment must include

the amount of machinery and equipment eligible for the exemption under RCW 82.08.02565 and 82.12.02565. An applicant can amend the number of persons hired until completion of the project. The qualified employment positions filled by December 31 of the year of completion are the benchmark to be used during the next seven years in determining hiring compliance.

(i) Total qualifying project costs are divided by seven hundred fifty thousand, the result being the qualified employment positions.

(ii) In addition, the number of qualified employment positions created by an investment project will be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project. This reduction requires a reexamination of whether the seventy-five percent hiring requirement (as explained below) is met.

(iii) This number, which is the result of (i) and (ii) of this subsection, is the number of positions used as the benchmark over the life of the deferral. For recipients locating in a CEZ or a county containing a CEZ, seventy-five percent of the new positions must be filled by residents of a CEZ located in the county where the project is located. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet website at <http://www.dor.wa.gov>. For recipients located in a contiguous county, residents of an adjacent unemployment or governor-designated county must fill seventy-five percent of the new positions.

(iv) The qualified employment positions are reviewed each year, beginning December 31st of the year the project is operationally complete and each year for seven years. If the recipient has failed to create the requisite number of positions, the department will issue an assessment as explained under subsection (11) of this rule.

(v) In addition to the hiring requirements for new positions under (b) of this subsection, the recipient of a deferral for an expansion or diversification of an existing facility must ensure that he or she maintains the same percentage of employment positions filled by residents of the contiguous county or the CEZ that existed prior to the application being made. This percentage must be maintained for seven years.

(vi) Qualified employment positions do not include those positions filled by persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee, so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(4) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing and research and development.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes that do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio the construction cost per square foot of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the construction cost per square foot of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Tax Deferred} = \text{Eligible Cost} \times \text{Tax Rate.}$$

(b) Qualified machinery and equipment is not subject to apportionment.

(5) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(6) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of machinery and equipment. Persons who apply after construction is initiated or after acquisition of machinery and equipment are not eligible for the program. Applications for persons subject to hiring requirements must include information regarding the estimated total project cost and the qualified employment positions.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by FAX to (360) 586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box 448
Olympia, WA 98507-0448

(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The

U.S. Post Office postmark or FAX date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(7) **Eligible area criteria.** The statewide and county unemployment statistics last published by the department will be used to determine eligible areas based on unemployment. Median income county designation is based on data produced by the office of financial management and made available to the department on November 1 of each year. The timber impact town designation is based on information provided by the department of employment security.

If an investment project is located in an area that qualifies under more than one type of eligible area, the department will automatically assign the project to the eligible area that imposes the least burden on the taxpayer and with the greatest benefit to the taxpayer. If the applicant elects to be bound by the requirements of the other potential eligible area, the applicant must make a written statement to that effect. For example, on May 1, 1998, the city of Yakima qualifies as a CEZ, and the entire county of Yakima qualifies as an unemployment county. The CEZ requirements are more restrictive than the unemployment county requirements. The department will assign the project to the distressed area eligible area unless the applicant elected to be bound by the CEZ requirements.

(8) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified building or qualified machinery and equipment as defined in Part I. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

The tax deferral certificate is used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller is relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(9) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a deferral certificate, a certificate holder must notify the department, in writ-

ing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(10) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a deferral granted after July 1, 1995, must submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(11) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection, on an investment project for which a deferral has been granted under chapter 82.60 RCW after June 30, 1994.

(a) Taxes deferred under this chapter need not be repaid on machinery and equipment for lumber and wood product industries, and sales of or charges made for labor and services, of the type which qualified for exemption under RCW 82.08.02565 or 82.12.02565.

(b) The following describes the various circumstances under which repayment of the deferral may be required. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year.

Repayment Year	Percentage of Deferred Tax Waived
1 (Year operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or require payment of all or part of

PERMANENT

deferred taxes is subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action. See subsection (d) for repayment and waiver for deferrals with hiring requirements.

(c) **Failure of investment project to satisfy general conditions.** If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be that the facilities are not used for a manufacturing or research and development operation.

(d) **Failure of investment project to satisfy required employment positions conditions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date the application was filed). There is no proration of the amount owed under this subsection. No penalties will be assessed.

(e) **Failure of investment project to satisfy employee residency requirements.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project under RCW 82.60.040 (1)(b) or (c) has failed to comply with any requirement of RCW 82.60.045 for any calendar year for which reports are required under this subsection, twelve and one-half percent of the amount of deferred taxes will be immediately due. For each year a deferral's requirements are met twelve and one-half percent of the amount of deferred taxes will be waived. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date the application was filed. Each year the employment requirement is met, twelve and one-half percent of the deferred tax will be waived, if all other program requirements are met. No penalties will be assessed.

(f) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection.

(12) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full

amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(13) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PART II

Applications from July 1, 1994, to June 30, 1995

(14) **Definitions.** For the purposes of this part, the following definitions apply for applications made on and after July 1, 1994 and before July 1, 1995.

(a) "Acquisition of equipment or machinery" means the date the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, and upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services in this instance.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent;

(iii) CEZ. A designated community empowerment zone approved under RCW 43.63A.700;

(iv) Timber impact area towns. A town with a population of less than twelve hundred persons that is located in a county that is a timber impact area, as defined in RCW 43.31.601, but that is not an unemployment county as defined in this subsection;

(v) Contiguous county. A county that is contiguous to an unemployment county or a governor's designation county; or

(vi) Governor's designation county. A county designated by the governor as an eligible area under RCW 82.60.047.

(g)(i) "Eligible investment project" means that portion of an investment project which:

(A) Is directly utilized to create at least one new full-time qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(B) Either initiates a new operation, or expands or diversifies a current operation by expanding, equipping, or renovating an existing facility with costs in excess of twenty-five percent of the true and fair value of the facility prior to improvement. "Improvement" means the physical alteration by significant expansion, modernization, or renovation of an existing facility, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing facility prior to the initiation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing facility which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone. "True and fair value" means the value listed on the assessment rolls as determined by the county assessor for the buildings or equipment for ad valorem property tax purposes at the time of application.

(ii) "Eligible investment project" does not include either an investment project undertaken by a light and power business as defined in RCW 82.16.010, other than cogeneration projects that are both an integral part of a manufacturing facility and owned at least fifty percent by the manufacturer, or investment projects that have already received deferrals under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction of new buildings, means the commencement of on-site construction work.

(j) "Initiation of construction," in regards to the construction of expanding or renovating existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development, means the commencement of the new construction by renovation, modernization, or expansion, by physical alteration.

(k) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. A person who does not build or remodel his or her own building, but leases from a third party, is eligible for sales and use tax deferral on the machin-

ery and equipment provided that an investment in qualified machinery and equipment is made by such person and a new structure used to house the manufacturing activities is constructed.

(l) "Manufacturing" has the meaning given in RCW 82.04.120. Manufacturing, for purposes of the distressed area deferral program, also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of RCW 82.60. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests exclusively in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(o) "Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours per week, 455 hours a quarter, or 1,820 hours a year.

(q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation or research and development operation. "Qualified machinery and equipment" includes: Computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(r) "Research and development" means the development, refinement, testing, marketing, and commercialization of a

product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(s) "Recipient" means a person receiving a tax deferral under this program.

(15) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much tax is deferred.

(16) **Eligible investment amount.**

(a) Projects located in unemployment counties, MSAs, governor-designated counties, or timber impact towns are eligible for a deferral on the portion of the investment project that represents one new qualified employment position for each seven hundred fifty thousand dollars of investment. The eligible amount is computed by dividing the total qualifying project costs by seven hundred fifty thousand, the result being the qualified employment positions. In addition, the number of qualified employment positions created by an investment project will be reduced by the number of full-time employment positions maintained by the recipient in any other community in this state that are displaced as a result of the investment project. This is the number of positions used as the hiring benchmark. The qualified employment positions must be filled by the end of year three. Monitoring and reporting procedures are set forth in subsection (23) of this rule. In addition, buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (17) of this rule explains the procedure for apportionment.

(b) Projects located in CEZs, counties containing CEZs, or counties contiguous to an eligible county, are eligible for a deferral if the project meets specific hiring requirements. The recipient is eligible for a deferral on the portion of the investment project that represents one new qualified employment position for each seven hundred fifty thousand dollars of investment. The eligible amount is computed by dividing the total qualifying project costs by seven hundred fifty thousand, the result being the qualified employment positions. This is the number of positions used as the hiring benchmark over the life of the deferral. The qualified employment positions are reviewed each year, beginning December 31st of the year the project is operationally complete and each year for seven years. Monitoring and reporting procedures are set forth in subsection (23) of this rule. In addition, buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (17) of this rule explains the procedure for apportionment.

(c) In addition to the hiring requirements for new positions under (b) of this subsection, the recipient of a deferral for an expansion or diversification of an existing facility must ensure that he or she maintains the same percentage of

employment positions filled by residents of the contiguous county or the CEZ that existed prior to the application being made. The department has instituted a geographic information system (GIS) to assist taxpayers in determining taxing jurisdiction boundaries, local tax rates, and a mapping and address lookup system to determine whether a specific address is within a CEZ. The system is available on the department's internet website at <http://www.dor.wa.gov>. This percentage must be maintained for seven years.

(d) Qualified employment positions does not include those persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(17) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings used in manufacturing, research and development.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes which do not qualify for deferral under this rule the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio the construction cost per square foot of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the construction cost per square foot of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Tax Deferred} = \text{Eligible Cost} \times \text{Tax Rate.}$$

(b) Qualified machinery and equipment is not subject to apportionment.

(18) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(19) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of machinery and equipment. Persons who apply after construction is initiated or after acquisition of machinery and equipment are not eligible for the program.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by FAX to (360) 586-2163 or mailed to the following address:

State of Washington
Department of Revenue
Special Programs
P.O. Box 448
Olympia, WA 98507-0448

(b) The department will verify the information contained in the application and approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or FAX date will be used as the date of application.

(c) The applicant may seek administrative review of the department's disapproval of an application within thirty days from the date of notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(20) **Eligible area criteria.** The department will use the statewide and county unemployment statistics as last published by the department. Timber impact town designation is based on information provided by the department of employment security. The department will update the list of eligible areas by county, annually.

(21) **Use of the certificate.** A tax deferral certificate issued under this program will be for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in Part II. Thus, sales and use taxes cannot be deferred on items that do not become part of the qualified buildings, machinery, or equipment. In addition, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient. The tax deferral certificate is used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales.

(22) **Project operationally complete.** An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral of sales and use taxes is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(c) The recipient will be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes must be paid, and any reports required to be submitted in the subsequent years. If the department disallows any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action within thirty days from the date of the notice of disallowance pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(23) **Reporting and monitoring procedure.** Requirement to submit annual reports. Each recipient of a sales and use tax deferral must submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes outstanding to be immediately due and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(24) **Repayment of deferred taxes.** Repayment of tax deferred under chapter 82.60 RCW is excused, except as otherwise provided in RCW 82.60.070 and this subsection on an investment project for which a deferral has been granted under chapter 82.60 RCW after June 30, 1994.

(a) The following describes the various circumstances under which repayment of the deferral may be required. Outstanding taxes are determined by reference to the following table. The table presumes the taxpayer maintained eligibility for the entire year. See subsection (c) for repayment and waiver for deferrals with hiring requirements.

Repayment Year	Percentage of Deferred Tax Waived
1	(Year operationally complete) 0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

Any action taken by the department to disqualify a recipient for tax deferral or require payment of all or part of deferred taxes is subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(b) Failure of investment project to satisfy general conditions. If, on the basis of the recipient's annual report or other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral, other than failure to create the required number of positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be that the facility is not used for manufacturing or research and development operations.

(c) Failure of investment project to satisfy employment positions conditions. If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the amount of taxes deferred will be immediately due. The department will assess interest at the rate and as provided for delinquent excise taxes under RCW 82.32.050 (retroactively to the date of deferral). No penalties will be assessed.

(d) Failure of investment project to satisfy employee residency requirements. If, on the basis of the recipient's annual report or other information, the department finds that an investment project under RCW 82.60.040 (1)(b) or (c) has failed to comply with the special hiring requirements of RCW 82.60.045 for any calendar year for which reports are required under this subsection, twelve and one-half percent of the amount of deferred taxes will be immediately due. For each year a deferral's requirements are met twelve and one-half percent of the amount of deferred taxes will be waived. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date of deferral. No penalties will be assessed.

(e) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection, per request.

(25) Debt not extinguished because of insolvency or sale. Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business

extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project is liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(26) Disclosure of information. Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

PART III

Applications from July 1, 1992, to June 30, 1994

(27) Definitions. For the purposes of this part, the following definitions apply for applications made after July 1, 1992, but before July 1, 1994:

(a) "Acquisition of equipment or machinery" means the equipment and machinery is under the dominion and control of the recipient.

(b) "Applicant" means a person applying for a tax deferral under chapter 82.60 RCW.

(c) "Certificate holder" means an applicant to whom a tax deferral certificate has been issued.

(d) "Computer-related services" means services that are connected or interact directly in the manufacture of computer hardware or software or the programming of the manufactured hardware. This includes the manufacture of hardware such as chips, keyboards, monitors, any other hardware, and the components of these items. It includes creating operating systems and software that will be copied and sold as canned software. "Computer-related services" does not include information services. The activities performed by the manufacturer to test, correct, revise, and upgrade software or hardware before they are approved for sale to the consumer are considered computer-related services in this instance.

(e) "Department" means the department of revenue.

(f) "Eligible area" means:

(i) Unemployment county. A county in which the average level of unemployment for the three calendar years preceding the year in which an application is filed exceeds the average state unemployment for those years by twenty percent. The department may compare the county's average unemployment rate in the prior three years to one hundred twenty percent of the state's average unemployment rate based on official unemployment figures published by the department of employment security;

(ii) MSA. A metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under chapter 82.60 RCW exceeds the average state unemployment for such calendar year by twenty percent; or

(iii) CEZ. Beginning July 1, 1993, a designated community empowerment zone approved under RCW 43.63A.700.

(g)(i) "Eligible investment project" means that portion of an investment project which:

PERMANENT

(A) Is directly utilized to create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested; and

(B) Either initiates a new operation, or expands or diversifies a current operation by expanding, or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement. "Improvement" means the physical alteration by significant expansion, modernization, or renovation of an existing plant complex, excluding land, where the cost of such expansion, etc., exceeds twenty-five percent of the true and fair value of the existing plant complex prior to the initiation of the expansion or renovation. The term "improvement" is further defined to include those portions of an existing building which do not increase the usable floor space, but is limited to the renovation, modernization, or any other form of alteration or addition and the equipment and machinery installed therein during the course of construction. The twenty-five percent test may be satisfied by considering the value of both the building and machinery and equipment; however, at least forty percent of the total renovation costs must be attributable to the physical renovation of the building structure alone. "True and fair value" means the value listed on the assessment roles as determined by the county assessor for the land, buildings, or equipment for ad valorem property tax purposes at the time of application; or

(C) Acquires machinery and equipment to be used for either manufacturing or research and development. The lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(ii) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010 or investment projects that have already received deferrals under chapter 82.60 RCW.

(h) "Industrial fixture" means an item attached to a building or to land. Fixtures become part of the real estate to which they are attached and upon attachment are classified as real property, not personal property. Examples of "industrial fixtures" are fuel oil lines, boilers, craneways, and certain concrete slabs.

(i) "Initiation of construction," in regards to the construction of new buildings, means the commencement of on-site construction work.

(j) "Initiation of construction," in regards to the construction of expanding or renovating existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development, means the commencement of new construction by renovation, modernization, or expansion, by physical alteration.

(k) "Investment project" means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(l) "Manufacturing" has the meaning given in RCW 82.04.120: Manufacturing, for purposes of the distressed area deferral program, also includes computer programming,

the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(m) "Operationally complete" means the project is capable of being used for its intended purpose as described in the application.

(n) "Person" has the meaning given in RCW 82.04.030. "Person" does not include the state of Washington or its institutions. "Person" can be either a lessee or a lessor, who can apply separately for individual investment projects at the same site, if they comply with the other requirements of this chapter. The lessor/owner of the structure is not eligible for deferral unless the underlying ownership of the buildings, machinery, or equipment vests in the lessor/owner, or unless the lessor has by written contract agreed to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(o) "Qualified buildings" are limited to structures used for manufacturing and research and development activities. "Qualified buildings" include plant offices and warehouses if such facilities are essential or an integral part of a factory, mill, plant, or laboratory. "Office" means space used by professional, clerical, or administrative staff. For plant office space to be a qualified building, its use must be essential or integral to the manufacturing or research and development operation. Office space that is used by supervisors and their staff, by technicians, by payroll staff, by the safety officer, and by the training staff are examples of qualifying office space. "Warehouse" means facilities used for the storage of raw materials or finished goods.

(p) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The "entire tax year" means the full-time position is filled for a period of twelve consecutive months. "Full time" means at least 35 hours a week, 455 hours a quarter, or 1,820 hours a year.

(q) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing operation or research and development operation. "Qualified machinery and equipment" includes: Computers, software, data processing equipment, laboratory equipment; manufacturing components such as belts, pulleys, shafts and moving parts; molds, tools and dies; operating structures; and all equipment used to control or operate machinery. It also includes machinery and equipment acquired under the terms of a long- or short-term lease by the recipient. "New" as used in this subsection means either new to the taxing jurisdiction of the state or new to the certificate holder.

(r) "Recipient" means a person receiving a tax deferral under this program.

(s) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(28) **Issuance of deferral certificate.** The department will issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for an eligible investment project. The department will state on the certificate the amount of tax deferral for which the recipient is eligible. Recipients must keep track of how much deferral is taken.

(29) **Eligible investment amount.** Recipients are eligible for a deferral on investment used to create employment positions.

(a) Total qualifying project costs must be examined to determine the number of positions associated with the project. Total qualifying project costs are divided by three hundred thousand, the result being the qualified employment positions. This is the number of positions used as the hiring benchmark at the end of year three. The qualified employment positions are reviewed in the third year, following December 31st of the year the project is operationally complete. If the recipient has failed to create the requisite number of positions, the department will issue an assessment under subsection (37) of this rule. Buildings that will be used partly for manufacturing or research and development and partly for other purposes are eligible for a deferral on a proportionate basis. Subsection (30) of this rule explains the procedure for apportionment.

(b) Qualified employment positions does not include those persons hired in excess of the ratio of one employee per required dollar of investment for which a deferral is granted. In the event an employee is either voluntarily or involuntarily separated from employment, the employment position will be considered filled if the employer is either training or actively recruiting a replacement employee so long as the position is not actually vacant for any period in excess of thirty consecutive days.

(30) **Apportionment of costs between qualifying and nonqualifying investments.** The deferral is allowable only in respect to investment in the construction of a new building or the expansion or renovation of existing buildings directly used in manufacturing activities, and directly used in the activities performed by research and development laboratories.

(a) Where a building(s) is used partly for manufacturing or research and development and partly for purposes, which do not qualify for deferral under this rule, the deferral will be determined by apportionment of the total project costs. The applicable tax deferral will be determined by apportionment according to the ratio the construction cost per square foot of that portion of the building(s) directly used for manufacturing or research and development purposes bears to the construction cost per square foot of the total building(s).

Apportionment formula:

$$\frac{\text{Eligible square feet of building(s)}}{\text{Total square feet of building(s)}} = \text{Percent Eligible}$$

$$\text{Percent Eligible} \times \text{Total Project Costs} = \text{Eligible Costs.}$$

"Total Project Costs" means cost of multipurpose buildings and other improvement costs associated with the deferral

project. Machinery and equipment are not included in this calculation. Common areas, such as hallways and bathrooms, are not included in the square feet figure for either the numerator or the denominator. The cost of the common areas is multiplied by the percent eligible to determine the portion of the common area that is eligible for deferral.

$$\text{Eligible Tax Deferred} = \text{Eligible Cost} \times \text{Tax Rate.}$$

(b) Qualified machinery and equipment is not subject to apportionment.

(31) **Leased equipment.** The amount of tax deferral allowable for leased equipment is the amount of the consideration paid by the recipient to the lessor over the initial term of the lease, excluding any period of extension or option to renew, up to the last date for repayment of the deferred taxes. After that date the recipient must pay the appropriate sales taxes to the lessor for the remaining term of the lease.

(32) **Application procedure and review process.** An application for sales and use tax deferral under this program must be made prior to the initiation of construction and the acquisition of equipment or machinery. Persons who apply after construction is initiated or finished or after acquisition of machinery and equipment are not eligible for the program.

(a) Application forms will be supplied to the applicant by the department upon request. The completed application may be sent by FAX to (360) 586-2163 or mailed to the following address:

State of Washington
 Department of Revenue
 Special Programs
 P.O. Box 448
 Olympia, WA 98507-0448

(b) The department will verify the information contained in the application and either approve or disapprove the application within sixty days. If approved, the department will issue a tax deferral certificate. If disapproved, the department will notify the applicant as to the reason(s) for disapproval. The U.S. Post Office postmark or FAX date will be used as the date of application.

(c) The applicant may seek administrative review of the department's refusal to issue a certificate pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements, within thirty days from the date of notice of the department's refusal, or within any extension of such time granted by the department. The filing of a petition for review with the department starts a review of departmental action.

(33) **Unemployment criteria.** For purposes of making application for tax deferral and of approving such applications, the statewide and county unemployment statistics last published by the department will be used to determine eligible areas. The department will update the list of eligible areas by county, on an annual basis.

(34) **Use of the certificate.** A tax deferral certificate issued under this program is for the use of the recipient for deferral of sales and use taxes due on each eligible investment project. Deferral is limited only to investment in qualified buildings or qualified machinery and equipment as defined in Part III. Thus, sales and use taxes cannot be

PERMANENT

deferred on items that do not become part of the qualified buildings, machinery, or equipment.

The tax deferral certificate is to be used in a manner similar to that of a resale certificate as set forth in WAC 458-20-102, Resale certificates. The certificate holder must provide a copy of the tax deferral certificate to the seller at the time goods or services are purchased. The seller will be relieved of the responsibility for collection of the sales or use tax upon presentation of the certificate. The seller must retain a copy of the certificate as part of its permanent records for a period of at least five years. A blanket certificate may be provided by the certificate holder and accepted by the seller covering all such purchases relative to the eligible project. The seller is liable for business and occupation tax on all tax deferral sales. The deferral certificate is to defer the taxes of the recipient. For example, the deferral is not to be used to defer the taxes of the persons with whom the recipient does business, persons the recipient hires, or employees of the recipient.

(35) Project operationally complete. An applicant must provide the department with the estimated cost of the investment project at the time the application is made. Following approval of the application and issuance of a tax deferral certificate, a certificate holder must notify the department, in writing, when the value of the investment project reaches the estimated cost as stated on the tax deferral certificate.

(a) If a certificate holder has reached its level of estimated costs and the project is not operationally complete, the certificate holder may request an amended certificate stating a revised amount upon which the deferral of sales and use taxes is requested. Requests must be mailed or faxed to the department.

(b) The certificate holder must notify the department in writing when the construction project is operationally complete. The department will certify the date on which the project was operationally complete. The recipient of the deferral must maintain the manufacturing or research and development activity for eight years from this date.

(c) The recipient will be notified in writing of the total amount of deferred taxes, the date(s) upon which the deferred taxes must be paid, and any reports required to be submitted in the subsequent years. If the department disallows all or any portion of the amount of sales and use taxes requested for deferral, the recipient may seek administrative review of the department's action pursuant to the provisions of WAC 458-20-100, within thirty days from the date of the notice of disallowance.

(36) Reporting and monitoring procedure. Requirement to submit annual reports. Each recipient of a sales and use tax deferral must submit a report to the department on December 31st of each year during the repayment period until the tax deferral is repaid. The report must be made to the department in a form and manner prescribed by the department. The report must contain information regarding the actual employment related to the project and any other information required by the department. If the recipient fails to submit a report or submits an inadequate or falsified report, the department may declare the amount of deferred taxes out-

standing to be immediately assessed and payable. An inadequate or falsified report is one that contains material omissions or contains knowingly false statements and information.

(37) Repayment of deferred taxes. The recipient must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the construction project has been operationally completed.

(a) The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years, with amounts of payment scheduled as follows:

Repayment Year	Percentage of Deferred Tax Repaid
1 (Year certified operationally complete)	0%
2	0%
3	0%
4	10%
5	15%
6	20%
7	25%
8	30%

(b) The department may authorize an accelerated repayment schedule upon request of the recipient. Interest will not be charged on any taxes deferred under this part during the period of deferral, although other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for any delinquent payments during the repayment period pursuant to chapter 82.32 RCW.

(c) Taxes deferred on the sale or use of labor directly applied in the construction of an investment project for which deferral has been granted need not be repaid, provided eligibility for the granted tax deferral has been perfected by meeting all of the eligibility requirements, based upon the recipient's annual December 31 reports and any other information available to the department. The recipient must establish, by clear and convincing evidence, the value of all construction and installation labor for which repayment of sales tax is sought to be excused. Such evidence must include, but is not limited to: A written, signed, and dated itemized billing from construction/installation contractors or independent third party labor providers which states the value of labor charged separately from the value of materials. This information must be maintained in the recipient's permanent records for the department's review and verification. In the absence of such itemized billings in its permanent records, no recipient may be excused from repayment of sales tax on the value of labor in an amount exceeding thirty percent of its gross construction or installation contract charges. The value of labor for which an excuse from repayment of sales or use tax may be received will not exceed the value which is subject to such taxes under the general provisions of chapters 82.08 and 82.12 RCW.

(d) Failure of investment project to satisfy general conditions. If, on the basis of the recipient's annual report or

PERMANENT

other information, including that submitted by the department of employment security, the department finds that an investment project is not eligible for tax deferral for reasons other than failure to create the required number of qualified employment positions, the department will declare the amount of deferred taxes outstanding to be immediately due. For example, a reason for disqualification would be the facility is not used for a manufacturing or research and development operation.

(e) **Failure of investment project to satisfy required employment positions.** If, on the basis of the recipient's annual report or other information, the department finds that an investment project has been operationally complete for three years and has failed to create the required number of qualified employment positions, the department will assess interest but not penalties, on the deferred taxes for the project. The department will assess interest at the rate provided for delinquent excise taxes under RCW 82.32.050, retroactively to the date of the date of deferral. No penalties will be assessed.

(f) The department of employment security makes and certifies to the department all determinations of employment and wages required under this subsection, per request.

(g) Any action taken by the department to assess interest or disqualify a recipient for tax deferral will be subject to administrative review pursuant to the provisions of WAC 458-20-100, Appeals, small claims and settlements. The filing of a petition for review with the department starts a review of departmental action.

(38) **Debt not extinguished because of insolvency or sale.** Insolvency or other failure of the recipient does not extinguish the debt for deferred taxes nor will the sale, exchange, or other disposition of the recipient's business extinguish the debt for the deferred taxes. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral. Any person who becomes a successor (see WAC 458-20-216) to such investment project will be liable for the full amount of any unpaid, deferred taxes under the same terms and conditions as the original recipient.

(39) **Disclosure of information.** Applications and reports received by the department under chapter 82.60 RCW are not confidential and are subject to disclosure. (RCW 82.60.100.)

WSR 01-12-042
PERMANENT RULES
FOREST PRACTICES BOARD

[Filed May 30, 2001, 3:28 p.m., effective July 1, 2001]

Date of Adoption: May 17, 2001.

Purpose: The Forest Practices Board initiated this rule making because of growing concern that the forest practices rules were not providing adequate protection for salmon and other aquatic resources. The Forest Practices Board and the Department of Natural Resources face many new resource

protection challenges, the most significant of which are the impending and current listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

On September 22, 1998, meeting, the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The rules as adopted are based on the Forests and Fish Report (dated April 29, 1999). This report recommended scientifically based changes to the forest practices rules developed through negotiations with the federal agencies responsible for administering the Endangered Species Act and the Clean Water Act, the forestry industry, small landowners, tribal governments, state agencies, and counties. The legislature also strongly encouraged the board to follow the recommendations of the Forests and Fish Report. The legislature found that forest practices rules consistent with the Forests and Fish Report:

(a) Would lead to:

(i) Salmon habitat that meets riparian functions vital to the long-term recovery of salmon on more than sixty thousand miles of streams in this state;

(ii) Identification of forest roads contributing to habitat degradation and corrective action to remedy those problems to protect salmon habitat;

(iii) Increased protection of steep and unstable slopes; and

(iv) The implementation of scientifically based adaptive management and monitoring processes for evaluating the impacts of forest practices on aquatic resources, and a process for amending the forest practices rules to incorporate new information as it becomes available; and

(b) Would lead to the protection of aquatic resources to the maximum extent practicable consistent with maintaining commercial forest management as an economically viable use of lands suitable for that purpose; and

(c) Would provide a regulatory climate and structure more likely to keep landowners from converting forest lands to other uses that would be less desirable for salmon recovery.

The legislature also found that rules consistent with the Forests and Fish Report constitute a comprehensive and coordinated program to provide substantial and sufficient contributions to salmon recovery and water quality enhancement in areas impacted by forest practices and are intended to fully satisfy the requirements of the Endangered Species Act (16 U.S.C. Sec. 1531 et seq.) with respect to incidental take of salmon and other aquatic resources and the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) with respect to nonpoint source pollution attributable to forest practices.

The Forest Practices Board adopted emergency rules based on the Forests and Fish Report that became effective March 20, 2000, and adopted amendments to these emer-

agency rules effective July 3, 2000. These emergency rules will remain in effect until the permanent forest practices rules become effective (RCW 76.09.055). The permanent rules will take effect on July 1, 2001.

A draft environmental impact statement (EIS) analyzing the environmental effects of current rules, the preferred alternative based on the Forests and Fish Report, and a third alternative was published on March 20, 2000. The final EIS was published April 2001. In addition, a small business economic impact statement was published January 22, 2001, and a cost benefit analysis was published on February 21, 2001.

Revisions to the permanent rule proposal were made based on the public review process of the EIS and the proposed rule package, experience from implementing the forest and fish emergency rules, consensus based recommendations developed in negotiations with stakeholders, and public comments and discussions at board meetings. All final rule amendments were designed to achieve greater consistency with the Forests and Fish Report.

At the direction of the legislature in RCW 76.13.130, the board adopted an exemption from the riparian rules for small landowners (WAC 222-30-023 and 222-16-010(3)) that deviated from the Forests and Fish Report on which the riparian rules are based. Compliance with these sections does not ensure compliance with the ESA and CWA. The anticipated effects of these rules include increased protection for aquatic resources, as well as better overall protection of public resources while maintaining a viable forest products industry.

Citation of Existing Rules Affected by this Order: Amending WAC 222-08-020 Orientation and training, 222-08-030 Reporting procedures, 222-08-035 Continuing review of forest practices rules, 222-10-010 Policies and authorities, 222-10-041 Northern spotted owls, 222-12-010 Authority, 222-12-020 Rule sections, 222-12-030 Classes of forest practices, 222-12-040 Alternate plans—Policy, 222-12-045 Adaptive management program, 222-12-046 Cumulative effects, 222-12-050 Notices to comply—Stop work orders, 222-12-070 Enforcement policy, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-035 Wetland typing system, 222-16-050 Classes of forest practices, 222-16-070 Pesticide uses with the potential for a substantial impact on the environment, 222-16-080 Critical habitats (state) of threatened and endangered species, 222-16-100 Planning options for the northern spotted owl, 222-16-105 Cooperative habitat enhancement agreements, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-040 Approval conditions, 222-20-050 Conversion to nonforest use, 222-20-070 Emergency forest practices, 222-20-080 Application and notification expiration, 222-20-100 Notice to parks and OAH, 222-22-070 Prescription recommendation, 222-22-080 Approval of watershed analysis, 222-22-090 Use and review of watershed analysis, 222-22-100 Application review prior to watershed analysis, 222-24-010 Policy, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing structures, 222-24-050 Road maintenance and abandonment, 222-24-060 Rock quarries, gravel pits, borrow pits, and spoil disposal areas, 222-30-010 Policy—Timber harvesting, 222-30-020 Harvest

unit planning and design, 222-30-025 Even-aged harvest—Size and timing, 222-30-030 Stream bank integrity, 222-30-040 Shade requirements to maintain water temperature, 222-30-050 Felling and bucking, 222-30-060 Cable yarding, 222-30-070 Ground-based logging systems, 222-30-100 Slash disposal or prescribed burning, 222-30-110 Timber harvesting on islands, 222-34-040 Site preparation and rehabilitation, 222-38-010 Policy—Forest chemicals, 222-38-020 Handling, storage, and application of pesticides, 222-38-030 Handling, storage, and application of fertilizers, 222-38-040 Handling, storage, and application of other forest chemicals, 222-46-030 Notice to comply, 222-46-040 Stop work orders, 222-46-060 Civil penalties, 222-46-070 Injunctions, civil suits, disapprovals, 222-50-010 Policy, 222-50-020 Other agency requirements, 222-50-030 Interagency agreements, 222-50-040 Safety and health, 222-50-050 Forest fire prevention and suppression, and 222-50-060 Other regulatory programs administered by the department; new sections WAC 222-10-030 SEPA policies for potentially unstable slopes and landforms, 222-10-035 Watershed analysis SEPA policies, 222-10-125 Exemption from RCW 43.21C.030 (2)(c), 222-12-0401 Alternate plans—Process, 222-12-0402 Assistance available for small forest landowners, 222-12-0403 Cooperative development of alternate plan board manual, 222-12-0404 Cooperation for effective alternate planning, 222-12-0405 Auditing and monitoring, 222-12-041 Use of approved state and federal conservation agreements for aquatic resources, 222-12-044 Cooperative opportunities, 222-16-031 Interim water typing system, 222-16-036 Wetland mapping, 222-16-051 Exception to Class IV—Special, 222-20-015 Multiyear permits, 222-20-055 Continuing forest land obligations, 222-21-005 Policy, 222-21-010 Definitions, 222-21-020 Criteria for accepting riparian easement, 222-21-030 Document standards, 222-21-035 Description of easement, 222-21-040 Timber cruises, 222-21-045 Valuation, 222-21-050 Payment of compensation, 222-21-060 Commercially reasonable harvest, 222-21-065 Uneconomic to harvest, 222-21-070 Blowdown and salvage, 222-21-080 Eminent domain, 222-21-090 Internal Department of Natural Resources review of small forest landowner office compensation decisions, 222-22-075 Monitoring, 222-22-076 Restoration, 222-23-010 Policy and definitions, 222-23-020 Submitting and processing of applications for the riparian open space program, 222-23-025 Priorities for conveyances; use of lands conveyed, 222-23-030 Conveyance forms and procedure, 222-24-015 Construction in wetlands, 222-24-026 Temporary roads, 222-24-051 Road maintenance schedule, 222-24-052 Road maintenance, 222-30-021 Western Washington riparian management zones, 222-30-022 Eastern Washington riparian management zones, 222-30-023 Riparian management zones for exempt 20-acre parcels, 222-30-045 Salvage logging within riparian management zones, 222-46-012 Representatives on inspections and 222-46-090 Financial assurances; and repealing 222-24-025 Road design.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 76.09.040, 76.09.050, 76.09.370, 76.13.120(9).

Adopted under notice filed as WSR 01-07-117 on March 21, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 222-08-035(4) Compliance monitoring, the

Forests and Fish Report under schedule L (key questions) asks "Are forest practices being conducted in compliance with the rules?" The addition of subsection (4) addresses this question by outlining the department's responsibilities to determine whether forest practices rules are being implemented on the ground. Compliance monitoring is required in Appendix L, I.(c), Adaptive management, of the Forests and Fish Report.

WAC 222-10-030(5) SEPA policies, language was added to clarify that three years field experience is always required.

WAC 222-12-040 (1) and (5) Alternate plans, added board manual reference.

WAC 222-12-0402 Assistance for small forest landowners, added board manual reference.

WAC 222-12-0403 Cooperative development, added board manual reference.

WAC 222-12-0405(1) Audits, additional language was added to clarify that performance reports are not required for all alternate plans.

WAC 222-12-045 Adaptive management, adds detail to the adaptive management program to clarify responsibilities, roles, and procedures instead of deferring to the board manual. Adds a subsection defining the process for bringing proposed rule changes to the board. Added a subsection on the dispute resolution process.

WAC 222-12-046 (3)(b) Cumulative effects, changed WAC reference.

WAC 222-12-046 Cumulative effects, instead of deleting former subsection (4), the paragraphing was changed so that former subsection (4) becomes a stand-alone statement that more accurately identifies the cumulative effects response to cultural resources and wildlife resource issues.

WAC 222-16-010 Bankfull depth, added reference to board manual; bankfull width, added reference to board manual and changed language from salt water to tidal water for accuracy; channel migration zone, added reference to board manual; drainage structure, cross-drains were changed to drainage structures because it is a more inclusive term; flood level 100 year, added reference to board manual; fish passage, Option 1 was chosen to be consistent with the WDFW hydraulics code, which has a definition for fish passage; stream adjacent parallel roads, the board selected Option 1 for the definition of "Stream Adjacent Parallel Roads" because the decision to provide additional protections were added in chapters 222-24 and 222-30 WAC (see description of changes below); even-aged harvest, added WAC reference; headwater spring, the addition of the word *perennial* was added to be consistent with the definition of headwater spring listed under sensitive sites; riparian management zone, the language *outer edge of* was added to define where protection begins on Type S or F Waters for the definition of bankfull width and CMZ; site class, eastern Washington site class table, for site class V the 100-year site index range was modified to read ≤ 60 ; site class, added *50-year or* to match the table.

WAC 222-16-030(2) Type F water, the change clarifies that Type F waters do not include Type S waters.

WAC 222-16-030 (5)(f) Channel width and gradient, added board manual reference.

WAC 222-16-031 Electro shocking, Option 1 was selected for defining "Type 3 water." Option 1 provides a reference to the board manual and the option of electro shocking to determine fish use. The board discussed the issue of electro shocking and that a permit from WDFW and NMFS is required and these are not easy to obtain. It was felt that this option will rarely be used, however, there would be times when it is appropriate because this interim water typing system in some cases over-predicts fish use and electro shocking is a necessary tool until the water typing model is available. This option provides the landowner with an alternative that would not be possible under Option 2; Type 4 and 5 waters, Option 1 was selected for defining "Type 4 & 5 waters." Although there was some discussion that there was a loss of protection for Type 4 streams under Option 1 others felt that buffers at the perennial initiation point were more effective for amphibian protection. The acreage reference could be changed through adaptive management if needed.

WAC 222-16-031 (4) and (5) Interim water typing system, Type 4 water, Type 5 water, the water typing was changed to the 1-5 water typing classification system to be consistent with the interim water typing system.

WAC 222-16-050(1) Class IV - special, a WAC reference was added for the exception for HCPs and other conservation agreements.

WAC 222-16-050 (3)(n) Class I, for consistency these changes reflect global changes to the new water typing system and the definition of ordinary high water mark to bankfull width.

WAC 222-16-051 Exception to Class IV - special, this section was added so that the use of approved HCPs and other conservation agreements allowed in WAC 222-12-041 would work correctly.

WAC 222-16-080 Critical habitat, Option 1 was chosen with modification to match the language in WAC 222-12-041 that provides the opportunity for public comment and scientific review.

WAC 222-20-010(9) An operator's name, changed WAC reference.

WAC 222-21-010(7) Definitions, the percentages were changed to reflect the RMZ forgone sales in the small business economic impact statement. The last sentence has been struck because the small business economic impact statement has been prepared.

WAC 222-21-020(1) Criteria for accepting riparian easement, the requirement for a final approved application was inserted to match current legislative language. Some changes to this section will be necessary when HB 2105 becomes effective in mid July 2001.

WAC 222-21-020 (3)(b) Criteria for accepting riparian easement, language has been moved to WAC 222-21-035(5).

WAC 222-21-045 Valuation, the valuation method was changed to make it consistent with statute.

WAC 222-21-050 (1)(a) Payment of compensation, the percentages were changed to reflect the RMZ forgone sales. See change to WAC 222-21-010(7).

WAC 222-21-065 Uneconomic to harvest, this change required the proposed timber harvest to meet all of the requirements in this section.

WAC 222-23-025 Riparian open space program, Option 2 was selected with modifications. Language was added clarifying the legislative purpose. *Not in priority order* was added to allow the greatest flexibility for managing the program. The additional language in the last sentence indicates the Forest Practices Board may recommend amendments in its report to the legislature to accomplish the goals of this program. The process for prioritizing applications is simplified. There was also a change in wording to clarify affected Indian tribes.

WAC 222-24-020(2) Road location and design, sensitive sites and equipment limitation zones were added for greater protection.

WAC 222-24-020(16) Ditch diversion, a sentence was added to give direction on stream-adjacent parallel roads. The language specifies the placement of relief culverts to minimize sediment delivery to streams.

WAC 222-24-035(1) Landing location and construction, equipment limitation zones were added as a place where landings would not be located.

WAC 222-24-035 [(2)](e) Landing construction, Type A and B wetlands were removed from this list because excavation activities would not be occurring in these areas.

WAC 222-24-040 (1)(d) Water crossing structures, reference to board manual was added.

WAC 222-24-040 (1)(f) Water crossing structures, subsection (f) was added to direct the placement of wood to minimize obstruction of fish passage and avoid sediment delivery to streams.

WAC 222-24-040 (3)(c) Culvert installation for Type Np and Ns waters, a few words were added to the end of the last sentence to clarify that culverts will meet the design standards set in (a) and (b) of this subsection.

WAC 222-24-040 (4)(d)(iii) Temporary water crossing in Type Np and Ns waters, additional language was added to clarify that temporary water crossing removal dates could be extended as long as the extended date results in equivalent levels of resource protection.

WAC 222-24-050(1) Road maintenance and abandonment, this language was struck because it already exists in WAC 222-24-050.

WAC 222-24-051 (5)(b) and (c) Road maintenance schedule, these were added to define the criteria for road maintenance and abandonment plans.

WAC 222-24-051 (5)(e) Road maintenance schedule, includes ditches as something to pay attention to in the road maintenance and abandonment plan for sediment delivery to streams.

WAC 222-24-051 (6)(b) Road maintenance schedule, this change reflects the department wanting a detailed description of the first year's work, not the first five years, understanding that landowners have a better idea of what will happen in the first year and planning for the additional work in the next fifteen years.

WAC 222-24-052 (1)(h) Road maintenance, subsection (h) was added to direct the placement of down wood on

stream adjacent parallel roads during the regular course of road maintenance.

WAC 222-24-060 (3) and (6)(a) Pit drainage, this language was added for clarification reasons.

WAC 222-30-010 Policy—Timber harvesting, this note was struck because this language was placed in subsection (4).

WAC 222-30-020(7) Harvest unit planning and design, reference to the board manual was added.

WAC 222-30-020(11) Wildlife reserve tree management, Option 1 was chosen, which is the old definition for the boundary between eastern and western Washington. The requirement for leave trees per acre was affected by the new definition, which split eastern and western Washington by the Cascade Crest boundary. This change was necessary so that the leave tree requirements would remain the same.

WAC 222-30-020 (12) and (13) Channel migration zone and bankfull width, a reference to the hydraulic code was added because the area in a channel migration zone and the bankfull width are regulated by the Department of Fish and Wildlife.

WAC 222-30-021 (1)(b)(ii) Hardwood conversion in the inner zone, this language was dropped because it was a duplicate of the language in (i) of this subsection.

WAC 222-30-021 (1)(b)(ii)(A) and (B) Harvest options, titles were added to clarify these sections.

WAC 222-30-021(2) Western Washington protection for Type Np and Ns waters, the word *protection* was added for clarification.

WAC 222-30-021 (2)(a) Equipment limitation zone, this was modified to clearly define the equipment limitation zone.

WAC 222-30-021 (2)(b) Sensitive sites and RMZs protection along Type Np waters, the words *Type Np RMZs* were added to clarify that these areas need protection, and is consistent with the language in the title.

WAC 222-30-022 (1)(b)(iv)(A) and (B) Eastern Washington RMZs on Type S and F waters, a number of board manual references were added.

WAC 222-30-022 (1)(d)(ii) Eastern Washington RMZs on Type S and F waters, a board manual reference was corrected.

WAC 222-30-022 (2)(c)(i)(A) and (B) Stream adjacent parallel road for Type Np waters, the word *management* was added to be consistent with the language used throughout this rule package.

WAC 222-30-023(4) Riparian management zones for exempt 20-acre parcels, subsection (4) was added to define the RMZ for 20-acre exemption, which is consistent with the 1998 definition.

WAC 222-30-025 (6)(a)(i) Even aged harvest—Size and timing, WAC reference was changed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 44, Amended 65, Repealed 1; Federal Rules or Standards: New 44, Amended 65, Repealed 1; or Recently Enacted State Statutes: New 44, Amended 65, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 22, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 44, Amended 65, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 20, Amended 20, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 44, Amended 65, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 1, 2001.

May 29, 2001

Pat McElroy

Chair

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-08-020 Orientation and training. The department shall be responsible for a continuing program of orientation and training, relating to forest practices and ~~((regulation))~~ rules thereof, pursuant to RCW 76.09.250. Such program shall include:

(1) **Investigation of current** developments in and practical applications of forest resources and related technology.

(2) **Continuing training** of department personnel in the current status of forest resources technology and related disciplines.

(3) **Dissemination of information** on current forest practice technology to the public, in a manner determined by the department to be effective.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-08-030 Reporting procedures. The department shall:

(1) **Survey and identify** all silviculturally related non-point sources of pollution and related control programs in the state,

(2) **Prepare an analysis** of the above activities and programs, and

(3) **Report and recommend** to the forest practices board and to the governor additional rules ~~((and regulations))~~, procedures and/or methods necessary for the control of such sources to the extent feasible.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-08-035 Continuing review of forest practices ~~((regulations))~~ rules. *(1) Annual evaluations. The department, after consulting with affected state agencies, Indian tribes, forest landowners, fish and wildlife, natural resources, and environmental interest groups, shall beginning July 1, 1988, report annually to the forest practices board an assessment of how ~~((regulations))~~ the rules and voluntary processes are working.

* (2) Adaptive management program. ~~((The department is directed to report to the board on opportunities to modify~~

~~these regulations when baseline data, monitoring, evaluation or the use of interdisciplinary teams show that such adaptive management will better meet the purposes and policies of the Forest Practices Act.))~~ The adaptive management program will be used to determine the effectiveness of forest practices rules in aiding the state's salmon recovery effort and provide recommendations to the board on proposed changes to forest practices rules to meet timber industry viability and salmon recovery. The program provides assurances that rules and guidance not meeting aquatic resource objectives will be modified in a streamlined and timely manner. The board may also use this program to adjust other forest practice rules and guidance in order to further the purposes of chapter 76.09 RCW. The specific components of the adaptive management program are set forth in WAC 222-12-045.

(3) Resource management plans. The department is directed to develop a method for cooperative voluntary resource management planning among forest landowners, governmental agencies, affected Indian tribes, and environmental groups which would result in the development of plans which might be used as an alternative to the forest practice ~~((regulations))~~ rules in achieving the purposes and policies set forth in the act. This should be done through pilot projects, at least one of which should be located on the east side of the Cascade summit and one on the west side of the Cascade summit.

(4) Compliance monitoring. The department shall conduct compliance monitoring that addresses the following key question: "Are forest practices being conducted in compliance with the rules?" The department shall provide statistically sound, biennial compliance audits and monitoring reports to the board for consideration and support of rule and guidance analysis. Compliance monitoring shall determine whether forest practices rules are being implemented on the ground. An infrastructure to support compliance will include adequate compliance monitoring, enforcement, training, education and budget.

AMENDATORY SECTION (Amending Order 429, Resolution No. 8-8-84, filed 8/29/84, effective 10/1/84)

WAC 222-10-010 Policies and authorities. (1) This chapter is promulgated pursuant to the authority granted in RCW 76.09.010, 43.21C.120 and chapter 197-11 WAC.

(2) The forest practices board, according to RCW 76.09.040, possesses the authority to promulgate forest practices ~~((regulations))~~ rules establishing minimum standards for forest practices and setting forth necessary administrative provisions.

(3) The forest practices board adopts by reference the policies of SEPA as set forth in RCW 43.21C.020.

(4) A ~~((Class IV Special))~~ forest practices ~~((approval))~~ application or notification which requires a threshold determination will be conditioned when necessary to mitigate specific adverse impacts which are identified in the environmental documents prepared under SEPA. An application ~~((for a Class IV Special forest practice))~~ or notification will be denied when the proposal would result in significant adverse impacts identified in a final or supplemental

PERMANENT

environmental impact statement prepared under SEPA, and reasonable mitigation measures are insufficient to mitigate the identified impacts and denial is consistent with all provisions of the acts cited in subsection (1) of this section.

(5) **SEPA policies** and procedures (~~required for administration of Class IV Special forest practices~~) shall be implemented by the department of natural resources.

NEW SECTION

WAC 222-10-030 *SEPA policies for potentially unstable slopes and landforms. In addition to SEPA policies established elsewhere in this chapter, the following policies apply to forest practices described in WAC 222-16-050 (1)(d) relating to construction or harvest on potentially unstable slopes or landforms.

(1) In order to determine whether such forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the applicant must submit the following additional information, prepared by a qualified expert. The expert must describe the potentially unstable landforms in and around the application site, and analyze:

(a) The likelihood that the proposed forest practices will cause movement on the potentially unstable slopes or landforms, or contribute to further movement of a potentially unstable slope or landform;

(b) The likelihood of delivery of sediment or debris to any public resources, or in a manner that would threaten public safety; and

(c) Any possible mitigation for the identified hazards and risks.

(2) The department's threshold determination will include an evaluation of whether the proposed forest practices:

(a) Are likely to increase the probability of a mass movement on or near the site;

(b) Would deliver sediment or debris to a public resource or would deliver sediment or debris in a manner that would threaten public safety; and

(c) Such movement and delivery are likely to cause significant adverse impacts.

If the department determines that (a), (b) and (c) of this subsection are likely to occur, then the forest practice is likely to have a probable significant adverse impact.

(3) The department will evaluate the proposal, using appropriate expertise and in consultation with other affected agencies and Indian tribes.

(4) Specific mitigation measures or conditions must be designed to avoid accelerating rates and magnitudes of mass wasting that could deliver sediment or debris to a public resource or could deliver sediment or debris in a manner that would threaten public safety.

(5) Qualified expert for the purposes of this section means a person with a master's degree in geology or geomorphology or a related field or a significant amount of postgraduate course or thesis work or other training in geomorphology or mass movement and, in either case, an additional 3

years of field experience in the evaluation of relevant problems in forested lands.

NEW SECTION

WAC 222-10-035 *Watershed analysis SEPA policies. When the department considers a watershed analysis for approval as in WAC 222-22-080, the department will perform a review under SEPA as a nonproject proposal. When making the threshold determination for a watershed analysis, the department shall only make a determination of significance if, when compared to rules or prescriptions in place at the time of the analysis or the 5-year review, the prescriptions will cause a probable significant adverse impact on elements of the environment other than those addressed in the watershed analysis process.

AMENDATORY SECTION (Amending WSR 96-12-038, filed 5/31/96, effective 7/1/96)

WAC 222-10-041 Northern spotted owls. The effective date of this section is July 1, 1996. The following policies shall apply to forest practices subject to SEPA if the forest practices may cause adverse impacts to northern spotted owls.

(1) **In SOSEAs or areas of SOSEAs where the goal is demographic support,** suitable spotted owl habitat should be maintained either to protect the viability of the owl(s) associated with each northern spotted owl site center or to provide demographic support for that particular SOSEA as described in the SOSEA goals.

(2) **In SOSEAs or areas of SOSEAs where the goal is dispersal support,** either suitable spotted owl habitat should be maintained to protect the viability of the owl(s) associated with each northern spotted owl site center or dispersal habitat should be managed, over time, to provide the dispersal support for that particular SOSEA as described in the SOSEA goals. Dispersal support is provided by a landscape which includes dispersal habitat at the stand level interspersed with areas of higher quality habitat. Stands of dispersal habitat should be managed to reduce gaps between stands and to maintain a sufficient level of dispersal habitat to meet the SOSEA goals over time.

(3) **In SOSEAs or areas of SOSEAs where the goal is a combination of dispersal support and demographic support,** either suitable spotted owl habitat should be maintained to protect the viability of the owl(s) associated with each northern spotted owl site center or a variety of habitat conditions should be provided which in total are more than dispersal support and less than demographic support. This can be accomplished by providing:

(a) Dispersal support as described in subsection (2) of this section;

(b) Areas of suitable spotted owl habitat that contain some opportunities for nesting as well as roosting and foraging habitat; and

(c) Connectivity between areas of SOSEAs designated for demographic support or adjacent federal lands which are

designated as late successional reserves, congressionally reserved areas, or administratively withdrawn areas.

(4) **Within SOSEAs**, the following amounts of suitable habitat are generally assumed to be necessary to maintain the viability of the owl(s) associated with each northern spotted owl site center, in the absence of more specific data or a mitigation plan, as provided for in subsections (6) and (7) of this section respectively:

(a) All suitable spotted owl habitat within 0.7 mile of each northern spotted owl site center;

(b) Including the suitable spotted owl habitat identified in (a) of this subsection:

(i) For the Hoh-Clearwater/Coastal Link SOSEA - A total of 5,863 acres of suitable spotted owl habitat within the median home range circle (2.7 mile radius).

(ii) For all other SOSEAs - A total of 2,605 acres of suitable spotted owl habitat within the median home range circle (1.8 mile radius).

The department shall first identify the highest quality suitable spotted owl habitat for this purpose. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable habitat. Suitable spotted owl habitat identified outside 0.7 mile of a northern spotted owl site center may support more than one median home range circle.

Suitable spotted owl habitat harvested by a landowner shall continue to be counted as part of the total acres necessary under (b) of this subsection for other landowners within the median home range circle if the harvest is conducted pursuant to agreements or plans approved under subsection (6) of this section or WAC 222-16-080 (1)(h)(iv), (6)(a)(~~(b)~~) (iv), or (~~(e)~~) (f).

(5) **Outside SOSEAs**, during the nesting season (between March 1 and August 31), seventy acres of the highest quality suitable spotted owl habitat surrounding a northern spotted owl site center should be maintained. The seventy acres for one site center shall not be utilized for meeting suitable habitat needs of any other site center.

(6) The assumptions set forth in subsection (4) of this section are based on regional data. Applicants or others may submit information that is more current, accurate, or specific to a northern spotted owl site center, proposal, or SOSEA circumstances or goals. The department shall use such information in making its determinations under this section where the department finds, in consultation with the department of fish and wildlife, that the information is more likely to be valid for the particular circumstances than the assumptions established under subsection (4) of this section. If the department does not use the information, it shall explain its reasons in writing to the applicant.

(7) The department shall consider measures to mitigate identified adverse impacts of an applicant's proposal. Mitigation measures must contribute to the achievement of SOSEA goals or to supporting the viability of impacted northern spotted owl site centers.

NEW SECTION

WAC 222-10-125 Exemption from RCW 43.21C.030 (2)(c). Decisions pertaining to the following are not subject to any procedural requirements implementing RCW 43.21C.030 (2)(c): Approval of forest road maintenance and abandonment plans, approval of future timber harvest schedules involving east-side clear cuts, acquisitions of forest lands in the riparian open space program; and acquisitions of conservation easements pertaining to forest lands in riparian zones under the forest riparian easement program.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-12-010 Authority. These forest practices (~~(regulations)~~) rules are adopted pursuant to chapter 76.09 RCW, RCW 76.13.100 through 76.13.130, and RCW 77.85.180 through 77.85.190. Where necessary to accomplish the purposes and policies stated in the act, the board is authorized to promulgate forest practices (~~(regulations establishing minimum standards for forest practices and setting forth necessary administrative provisions,)~~) rules pursuant to chapter (~~(34.04)~~) 34.05 RCW and in accordance with the procedures enumerated in the act. These rules establish minimum standards for forest practices, provide procedures for the voluntary development of resource management plans, set forth necessary administrative provisions, establish procedures for the collection and administration of forest practice fees, allow for the development of watershed analyses, and establish the riparian open space program. The board also establishes which forest practices will be included within each class and is authorized to adopt rules under RCW 76.09.055, 76.09.370, and 76.13.120(9).

Promulgation of all forest practices (~~(regulations)~~) rules shall be accomplished so that compliance with such forest practices (~~(regulations)~~) rules will achieve compliance with the water quality laws.

Those (~~(regulations)~~) rules marked with an asterisk (*) pertain to water quality protection; pursuant to RCW 76.09.040 they (~~(will also be adopted by the department of ecology and)~~) can be amended only by agreement between the board and the department of ecology.

Forest practices (~~(regulations)~~) rules shall be administered and enforced by the department except as otherwise provided in the act. Such (~~(regulations)~~) rules shall be administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-12-020 ((Regulation) Rule sections. These (~~(regulations)~~) rules are organized as follows:

Chapter 222-08 WAC	Practices and procedures.
Chapter 222-10 WAC	State Environmental Policy Act Guidelines.
Chapter 222-12 WAC	Policy and organization.
Chapter 222-16 WAC	Definitions.

PERMANENT

Chapter 222-20 WAC	Application and notification procedures.
<u>Chapter 222-21 WAC</u>	<u>Small forest landowner forestry riparian easement program.</u>
Chapter 222-22 WAC	Watershed analysis.
<u>Chapter 222-23 WAC</u>	<u>Riparian open space program.</u>
Chapter 222-24 WAC	Road construction and maintenance.
Chapter 222-30 WAC	Timber harvesting.
Chapter 222-34 WAC	Reforestation.
Chapter 222-38 WAC	Forest chemicals.
Chapter 222-42 WAC	Supplemental directives.
Chapter 222-46 WAC	Consultation and enforcement.
Chapter 222-50 WAC	Relationship to other laws and ((regulations)) rules.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-12-030 Classes of forest practices. Forest practices are divided into four classes as specified by RCW 76.09.050. In certain emergencies, as defined in RCW 76.09.060(7), the application or notification may be submitted within 48 hours after commencement of the practice.

(1) **Class I forest practices** require no application or notification, but do require compliance with all other forest practices ~~((regulations))~~ rules.

(2) **Class II forest practices** require a notification to the department, and may begin 5 calendar days (or such lesser time as the department may determine) after receipt of a notification by the department ~~((of the notification))~~.

(3) **Class III forest practices** ~~((require an application which))~~ must be approved or disapproved within 30 or fewer calendar days of receipt of an application by the department. The department is directed to approve or disapprove within 14 calendar days Class III applications not requiring additional field review. Multiyear applications must be approved or disapproved within 45 days of receipt of an application by the department.

(4) **Class IV forest practices** are divided into "Class IV - special," and "Class IV - general," and ~~((require an application to the department which))~~ must be approved or disapproved within 30 calendar days of receipt of an application by the department, except that if a detailed environmental statement is necessary, additional time for approval or disapproval as specified in RCW 76.09.050 will be required.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-040 *Alternate plans—Policy. ~~((All forest practice operations must comply with the act and further with the rules promulgated pursuant to the act, unless an alternate plan has been approved by the department. An applicant may submit an alternate plan for any or all of the activities described in the application. The department may~~

~~approve an application which departs from the specific provisions of chapters 222-22 through 222-38 WAC, provided that the plan must, in the determination of the department, equal or exceed the protection of public resources as provided in the Forest Practice00s Act and rules and regulations. The department shall provide an opportunity for comment to the departments of fish and wildlife, ecology, other state agencies, and affected Indian tribes prior to approval of any alternate plan.))~~ All forest practice operations must comply with both the act and the rules promulgated pursuant to the act, unless an alternate plan has been approved by the department.

(1) The alternate plan process can be used as a tool to deal with a variety of situations, including where the cumulative impacts of regulations disproportionately impact a landowner. In some instances an alternate plan may be used to make minor on-the-ground modifications, which result in significant operation efficiencies. The alternate plan process may be used to address circumstances where a landowner has an economically inaccessible unit. The alternate plan process may also be used to facilitate voluntary landscape, riparian or stream restoration. In all cases, the alternate planning process will result in a plan that provides protection to public resources at least equal in overall effectiveness as provided by the act and rules while seeking to minimize constraints to the management of the affected lands.

(2) The legislature has found in RCW 76.13.100(2) that small forest landowners should also have the option of alternate management plans or alternate harvest restrictions on smaller harvest units that may have a relatively low impact on aquatic resources. These alternate plans are intended to provide flexibility to small forest landowners that will still provide protection of riparian functions based on specific field conditions or stream conditions on the landowner's property.

(3) Alternate plans do not replace other rules that recognize different types of landowner plans. See e.g., WAC 222-08-035(3), 222-12-041, 222-16-080(6), 222-16-100(1), and 222-16-105.

(4) Landowners are encouraged to communicate with the departments of ecology, fish and wildlife, affected Indian tribes, the National Marine Fisheries Service, the United States Fish and Wildlife Service and other interested parties prior to submission of an application accompanied by an alternate plan.

NEW SECTION

WAC 222-12-0401 *Alternate plans—Process. (1) Application. A landowner may submit an alternate plan that departs from the specific provisions of chapters 222-22 through 222-38 WAC for any or all of the activities described in the application. Alternate plans must be submitted with either a two-year or multiyear application. Alternate plans may support a single forest practices application or multiple applications if the sites included in the plan have sufficient common physical characteristics and elements to justify being considered together. See *board manual* section 21.

(2) Plan preparation. The landowner is responsible for preparing and submitting an alternate plan. Small forest landowners may wish to seek the assistance of the small forest landowner office. See WAC 222-12-0402.

(3) Contents of alternate plans. Alternate plans must contain all of the following:

(a) A map of the area covered, at a scale acceptable to the department showing the location of any affected streams and other waters, wetlands, unstable slopes, and existing roads. The map must also show the location of proposed road construction, timber harvest, and other forest practices;

(b) A description of how the alternate plan provides public resource protection to meet the approval standard, including a description of the proposed alternate management strategy, prescriptions, and where applicable, aquatic resource enhancements;

(c) A list of the forest practices rules that the alternate management plan is intended to replace;

(d) Where applicable, descriptions of monitoring and adaptive management strategies, including landowner plans for annual performance reviews;

(e) Where applicable, descriptions of an implementation schedule; and

(f) When multiple forest practices applications are submitted with the same alternate plan or when an alternate plan has been used for previous applications, justification that the sites included in the plan share sufficient common physical characteristics and elements to be considered together.

(4) Review of proposed plan. Upon receipt of a forest practices application together with an alternate plan, the department will do all of the following:

(a) Appoint an interdisciplinary team.

(b) Establish a deadline for completion of the interdisciplinary team review that is consistent with the requirements of subsection (5) of this rule; and

(c) Within 5 business days of receipt of an application with an alternate plan, provide copies of the application and alternate plan to the departments of ecology and fish and wildlife, affected Indian tribes, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and other parties that have expressed an interest in alternate plans in the area of the application. If the landowner is a small forest landowner under WAC 222-21-010(11), copies should also be provided to the small forest landowners office.

(5) Interdisciplinary team.

(a) The department will determine the members invited to participate on an interdisciplinary team. Teams will include members with the qualifications necessary to evaluate the alternate plan. A representative of any affected Indian tribe, and departments of ecology and fish and wildlife will be invited to participate. Each team will include a representative of the landowner and a professional forester employed by the department and shall be led by a department employee.

(b) The interdisciplinary team will conduct a site visit and submit a recommendation to the department at least 3 days prior to the expiration of the application time limit in WAC 222-20-020. The interdisciplinary team may submit a recommendation without a site visit if a small forest landowner under WAC 222-21-010(11) submitted the alternate plan using a template contained in the *board manual* and is a low impact alternate plan and the team determines a visit is not necessary to evaluate the site specific application of a template or a low impact alternate plan.

(c) The recommendation of the interdisciplinary team shall indicate whether the alternate plan meets the approval standard, or what revisions are necessary to meet the approval standard. The team is intended to work with the landowner in an attempt to reach consensus on the efficacy of the alternate plan. In the absence of consensus, the team will forward reports reflecting the majority and minority opinions, or the landowner may elect to withdraw or revise the proposal.

(6) Approval standard. An alternate plan must provide protection for public resources at least equal in overall effectiveness to the protection provided in the act and rules.

(7) Approval, conditions, or disapproval. Upon receipt of the interdisciplinary team's recommendation, the department shall determine whether to approve, disapprove, or condition the application based on the approval standard. The department shall give substantial weight to the recommendations of the interdisciplinary team in cases where a consensus recommendation is forwarded. If the department disapproves or conditions a forest practices application with an alternate plan, the department will provide a written statement to the landowner explaining why the application was conditioned or denied.

NEW SECTION

WAC 222-12-0402 *Assistance available for small forest landowners. (1) The small forest landowner office has been established within the department to be a resource and focal point for small forest landowner concerns and policies. A small forest landowner is defined in WAC 222-21-010(11). The legislature recognized that the further reduction in harvestable timber owned by small forest landowners would further erode small forest landowner's economic viability and willingness or ability to keep the lands in forestry use, and, therefore, reduced the amount of habitat available for salmon recovery and conservation of other aquatic resources. The legislature has directed that office to assist small forest landowners in preparing alternate plans appropriate to small forest landowners. See RCW 76.13.100 and 76.13.110(3).

(2) Small forest landowners interested in alternate plans are encouraged to contact the small forest landowner office for assistance in preparing an alternate plan. The office may provide technical assistance in understanding and using the *board manual* for alternate plans (section 21), assistance in developing an individualized alternate plan for the small forest landowner and facilitation of small forest landowner interactions with the department, other state agencies, federal agencies, affected Indian tribes and the interdisciplinary team that may review the small forest landowner's alternate plan.

NEW SECTION

WAC 222-12-0403 *Cooperative development of guidelines for alternate plans. The department will develop the section for alternate plans (WAC 222-12-090(21)) to submit to the board in cooperation with representatives of the small forest landowner office and advisory committee, the departments of ecology and fish and wildlife, United States

Fish and Wildlife Service, National Marine Fisheries Service, and affected Indian tribes.

The manual should include:

(1) As required by RCW 76.13.110(3), the small forest landowner office recommendations for alternate plans or alternate harvest restrictions that meet riparian functions while generally requiring less costly regulatory prescriptions;

(2) The effectiveness of strategies for meeting resource objectives and protecting public resources;

(3) Template prescriptions designed to meet resource objectives to address common situations that are repeatedly addressed in alternate plans or strategies to simplify the development of future plans or strategies, including low impact situations and site-specific physical features;

(4) Appropriate recognition or credit for improving the condition of public resources; and

(5) Criteria to assist the department in determining whether a small forest landowner alternate plan qualifies as a low impact alternate plan.

NEW SECTION

WAC 222-12-0404 *Cooperation for effective alternate planning. The department will work cooperatively with associations representing the interests of large and small forest landowners to develop more efficient alternate planning guidance and processes. In pursuing greater efficiency and technical assistance, the department will consider:

(1) Successful alternate plans, and small forest landowner alternate management strategies and processes that can be used by other small forest landowners as examples of the plan development and approval process;

(2) Auditing and monitoring results;

(3) Maintaining a list of technical experts available to landowners in preparing such plans; and

(4) Partnerships between the department and organizations supporting forest land stewardship principles.

NEW SECTION

WAC 222-12-0405 *Auditing and monitoring. (1) Audits. The department will conduct audits of landowner's compliance with the terms of alternate plans. The department will specifically review and approve each landowner's scheduled performance reports, if a performance report is required, by checking the reports themselves or by implementing a more extensive audit involving field verification. The department audit program for alternate plans will be designed to be consistent with the terms of any agreements with the federal government regarding fish and water quality.

(2) The small landowners office is required by RCW 76.13.110(3) to evaluate the cumulative impact of alternate plans for small forest landowners on essential riparian functions at the subbasin or watershed level. The department will provide the result of this evaluation to the board.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-046 Cumulative effects. The purpose of this section is to identify how the forest practices rules address changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices. This interaction is referred to as "cumulative effects." The following approaches have been taken:

(1) Title 222 WAC establishes minimum standards for all forest practices, regardless of the class of forest practice application.

(2) Forest practices which have a potential for a substantial impact on the environment are classified as Class IV-Special or Class IV-General by WAC 222-16-050 and receive an evaluation as to whether or not a detailed statement must be prepared pursuant to chapter 43.21C RCW.

(3) Certain rules are designed to focus on specific aspects of cumulative effects of forest practices. For example:

(a) WAC 222-08-035 requires continuing review of the forest practices (~~(regulations))~~ rules and voluntary processes and adopts the concept of adaptive management. WAC 222-12-045 also adopts adaptive management.

(b) WAC 222-12-040 allows alternate plans that (~~(equal or exceed the protection of public resources as provided in the act and rule))~~ provide protection to public resources at least equal in overall effectiveness to the protection provided in the Forest Practices Act and rules.

(c) WAC (~~(222-24-050(1))~~) 222-24-051 allows the department to require road maintenance and abandonment plans (~~(for those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources))~~.

(d) WAC 222-30-025 addresses harvest unit size and separation requirements.

(e) Chapter 222-22 WAC addresses cumulative effects on the public resources of fish, water, and capital improvements of the state or its political subdivisions.

(f) Chapter 222-46 WAC establishes the enforcement policy for forest practices.

~~((4) The board is considering measures to further protect cultural resources and wildlife resources. The board shall continue consultation with the departments of ecology, fish and wildlife, natural resources, forest landowners, and federally recognized tribes on these resource issues.))~~ The board shall continue consultation with the departments of ecology, fish and wildlife, natural resources, forest landowners, and federally recognized tribes to further protect cultural resources and wildlife resource issues.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-050 Notices to comply—Stop work orders. (1) **Violations.** When a forest practice has been completed, the department may issue a notice to comply requiring the operator or landowner to correct or compensate for damage to public resources where there was:

- (a) A violation of the act, or these rules((:)); or
- (b) A deviation from the approved application((:)); or
- (c) A willful or negligent disregard for potential damage to a public resource.

(2) **Other required action.** When a forest practice has not yet been completed, the department may issue either a notice to comply to the operator and/or landowner, or a stop work order to the operator, requiring him/her to prevent potential or continuing damage to a public resource where:

- (a) The need for additional actions or restrictions has become evident((:)); and
- (b) The department determines that a specific course of action is needed to prevent potential or continuing damage to public resources((:)); and
- (c) The damage would result or is resulting from the forest practices activities, whether or not the activities involve any violation, unauthorized deviation or negligence.

(3) **No notice to comply** shall be issued to require a person to prevent, correct, or compensate for any damage to public resources which occurs more than 1 year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules: Provided, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules ((and regulations)) pertaining to providing continuing road maintenance.

(4) **No notice to comply** to recover money damages shall be issued more than 2 years after the date the damage involved occurs.

(5) **In emergency action**, where the department requires the operator or landowner to do immediate work in the bed of the stream the department shall first seek approval from the department of fish and wildlife.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-12-070 Enforcement policy. Procedures for enforcement of these ((regulations)) rules by the department are provided in chapter 222-46 WAC. Where the department of ecology determines that a person has failed to comply with the forest practices ((regulations)) rules relating to water quality protection, and that the department of natural resources has not issued a stop work order or notice to comply, the department of ecology shall inform the department thereof in writing. If the department of natural resources fails to take authorized enforcement action within 24 hours, under RCW 76.09.080, 76.09.090, 76.09.120 or 76.09.130, the department of ecology may petition to the chairman of the appeals board, who shall, within 48 hours, either deny the petition or direct the department of natural resources to immediately issue a stop work order or a notice to comply or impose a penalty. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-12-090 Forest practices board manual. When approved by the board the manual serves as an advisory technical supplement to these forest practices ((regulations)) rules. The department, in cooperation with the departments of fish and wildlife, agriculture, ecology, and such other agencies, affected Indian tribes, or interested parties as may have appropriate expertise, is directed to prepare, and submit to the board for approval, revisions to the forest practices board manual. The manual shall include:

(1) **Method for determination of adequate shade requirements on streams** needed for use with WAC 222-30-040.

(2) ((The standard methods for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.)) **Standards for identifying channel migration zones and bankfull channel features.**

(3) ((A chart for establishing recommended permanent culvert sizes and associated data.)) **Guidelines for forest roads.**

(4) **Guidelines** for clearing slash and debris from Type ((4)) **Np** and ((5)) **Ns** Waters.

(5) **Guidelines** for landing location and construction.

(6) **Guidelines** for determining acceptable stocking levels.

(7) **Guidelines** for ((calculating average widths of)) riparian management zones.

(8) **Guidelines** for wetland delineation.

(9) **Guidelines** for wetland replacement or substitution.

(10) A list of nonnative wetland plant species.

(11) The standard methodology, which shall specify the quantitative methods, indices of resource conditions, and definitions, for conducting watershed analysis under chapter 222-22 WAC. The department, in consultation with Timber/Fish/Wildlife's Cooperative Monitoring, Evaluation and Research Committee (CMER), may make minor modifications to the version of the standard methodology approved by the board. Substantial amendments to the standard methodology requires approval by the board.

(12) **Guidelines for forest chemicals.**

(a) A list of special concerns related to aerial application of pesticides developed under WAC 222-16-070(3).

(b) **Guidelines for aerial applications of pesticides and other forest chemicals under chapter 222-38 WAC.**

(13) **Guidelines for determining fish use for the purpose of typing waters under WAC 222-16-031.**

(14) **Survey protocol for marbled murrelets.** The Pacific seabird survey protocol in effect March 1, 1997, shall be used when surveying for marbled murrelets in a stand. Surveys conducted before the effective date of this rule are valid if they were conducted in substantial compliance with generally accepted survey protocols in effect at the beginning of the season in which they were conducted.

(15) The department shall, in consultation with the department of fish and wildlife, develop **platform protocols** for use by applicants in estimating the number of platforms, and by the department in reviewing and classifying forest

practices under WAC 222-16-050. These protocols shall include:

(a) A sampling method to determine platforms per acre in the field;

(b) A method to predict the number of platforms per acre based on information measurable from typical forest inventories. The method shall be derived from regression models or other accepted statistical methodology, and incorporate the best available data; and

(c) Other methods determined to be reliable by the department, in consultation with the department of fish and wildlife.

(16) Guidelines for evaluating potentially unstable slopes and landforms.

(17) Guidelines for the small forest landowner forestry riparian easement program.

(18) Guidelines for riparian open space program.

(19) Guidelines for hardwood conversion.

(20) Guidelines for financial assurances.

(21) Guidelines for alternate plans.

(22) Guidelines for adaptive management program.

(23) Guidelines for field protocol to locate mapped divisions between stream types and perennial stream identification.

(24) Guidelines for interim modification of bull trout habitat overlay.

(25) Guidelines for bull trout presence survey protocol.

(26) Guidelines for placement strategy for woody debris in streams.

NEW SECTION

WAC 222-12-041 Use of approved state and federal conservation agreements for aquatic resources. (1) Forest practices consistent with an agreement described in subsection (3) below are exempt from the forest practices rules in chapters 222-22 through 222-38 WAC if the following criteria are met:

(a) The forest practices rule pertains to a species included within aquatic resources and that species is covered by an agreement listed in subsection (3) below; and

(b) The primary risk(s) to public resources addressed by the forest practice rules (e.g., delivery of sediment to waters from roads, harvest activities, or mass wasting events; chemical contamination of waters; inadequate recruitment of large woody debris; delivery of thermal energy to waters) is addressed in the agreement. The agreement may address the risk using different prescriptions, approaches, or timing than the forest practice rule.

(2)(a) When the landowner submits an application or notification, the landowner must include a proposed list of specific rules replaced.

(b) The department will review and confirm whether the rules identified by the landowner meet the criteria identified in subsection (1) above.

(c) At the request of the department, the landowner will confer in good faith with the department and provide the department and other interested parties with information necessary to assist the department in implementing this section.

(3) This section applies to landowners who are operating consistent with one of the following agreements that covers a species included within aquatic resources provided that the agreement has received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq., the Endangered Species Act, 16 U.S.C. section 1531 et seq., or the State Environmental Policy Act, chapter 43.21C RCW;

(a) A habitat conservation plan and incidental take permit approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. section 1539(a);

(b) An incidental take statement issued by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. 1536(b);

(c) An "unlisted species agreement" approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or

(d) A candidate conservation agreement or other cooperative or conservation agreement entered into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection.

For any agreement with a formal application date after July 1, 2001, the landowner must have made a good faith effort to involve the department of fish and wildlife, the department of ecology, department of natural resources, and affected Indian tribes in the development of the related plan or management strategy.

NEW SECTION

WAC 222-12-044 Cooperative opportunities. The forest practices board recognizes and encourages collaborative efforts to build solutions to pressing forest practices issues. The forest practices board may at any time use this method to assist in assessing and recommending solutions to issues. The benefits of this method lie in the ability of disparate groups to use consensus processes to bring recommendations to the forest practices board. The board will continue to utilize collaborative efforts, such as the Timber, Fish, and Wildlife (TFW) or similar forum. Participants would ideally consist of representation by timber interests, environmental interests, state agencies, local government, federal agencies, tribal governments and other interested parties so long as the collaborative effort utilizes a consensus approach to resolving or addressing issues.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-12-045 *Adaptive management program. ~~((In order to further the purposes of chapter 76.09 RCW the board has adopted a policy of adaptive management designed to modify these regulations and their application based on cooperative research, monitoring, and evaluation. Such adaptive management shall include the measures set out in WAC 222-08-035.))~~ ***Adaptive management program.** In order to further the purposes of chapter 76.09 RCW, the board has adopted and will manage a formal science-based program, as set forth in WAC 222-08-035(2). Refer to board manual section 22 for program guidance and further information.

(1) Purpose: The purpose of the program is to provide science-based recommendations and technical information to assist the board in determining if and when it is necessary or advisable to adjust rules and guidance for aquatic resources to achieve resource goals and objectives. The board may also use this program to adjust other rules and guidance. The goal of the program is to affect change when it is necessary or advisable to adjust rules and guidance to achieve the goals of the forests and fish report or other goals identified by the board. There are three desired outcomes: Certainty of change as needed to protect targeted resources; predictability and stability of the process of change so that landowners, regulators and interested members of the public can anticipate and prepare for change; and application of quality controls to study design and execution and to the interpreted results.

(2) Program elements: By this rule, the board establishes an active, ongoing program composed of the following initial elements, but not to exclude other program elements as needed:

(a) Key questions and resource objectives: Upon receiving recommendations from the TFW policy committee, or similar collaborative forum, the board will establish key questions and resource objectives and prioritize them.

(i) Projects designed to address the key questions shall be established in the order and subject to the priorities identified by the board.

(ii) Resource objectives are intended to ensure that forest practices, either singularly or cumulatively, will not significantly impair the capacity of aquatic habitat to:

(A) Support harvestable levels of salmonids;

(B) Support the long-term viability of other covered species; or

(C) Meet or exceed water quality standards (protection of beneficial uses, narrative and numeric criteria, and anti-degradation).

(iii) Resource objectives consist of functional objectives and performance targets. Functional objectives are broad statements regarding the major watershed functions potentially affected by forest practices. Performance targets are the measurable criteria defining specific, attainable target forest conditions and processes.

(iv) Resource objectives are intended for use in adaptive management, rather than in the regulatory process. Best management practices, as defined in the rules and manual, apply to all forest practices regardless of whether or not resource objectives are met at a given site.

(b) Participants: The board will manage the program and has empowered the following entities to participate in the program: The cooperative monitoring evaluation and research committee (CMER), the TFW policy committee (or similar collaborative forum), the adaptive management program administrator, and other participants as directed to conduct the independent scientific peer review process. The program will strive to use a consensus-based approach to make decisions at all stages of the process. Specific consensus-decision stages will be established by CMER and approved by the board. Ground rules will follow those established by the TFW process as defined in the board manual.

(i) CMER. By this rule, the board establishes a cooperative monitoring evaluation and research (CMER) committee to impose accountability and formality of process, and to conduct research and validation and effectiveness monitoring to facilitate achieving the resource objectives. The purpose of CMER is to advance the science needed to support adaptive management. CMER also has ongoing responsibility to continue research and education in terrestrial resource issues. CMER will be made up of members that have expertise in a scientific discipline that will enable them to be most effective in addressing forestry, fish, wildlife, and landscape process issues. Members will represent timber landowners, environmental interests, state agencies, county governments, federal agencies and tribal governments from a scientific standpoint, not a policy view. CMER members will be approved by the board. This will not preclude others from participating in and contributing to the CMER process or its subcommittees. CMER shall also develop and manage as appropriate:

(A) Scientific advisory groups and subgroups;

(B) Research and monitoring programs;

(C) A set of protocols and standards to define and guide execution of the process including, but not limited to, research and monitoring data, watershed analysis reports, interdisciplinary team evaluations and reports, literature reviews, and quality control/quality assurance processes;

(D) A baseline data set used to monitor change; and

(E) A process for policy approval of research, monitoring, and assessment projects and use of external information, including the questions to be answered and the timelines.

(ii) TFW policy committee (policy). TFW, or a similar collaborative forum, is managed by a policy committee (hereafter referred to in this section as "policy"). Policy membership is self-selecting, and at a minimum should include representatives of the following caucuses: Timber landowners (industrial and nonindustrial private landowners); environmental community; tribal governments; county governments; state departments (including fish and wildlife, ecology, and natural resources); and federal agencies (including National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency and U.S. Forest Service). Policy members will participate without compensation or per diem.

(iii) Adaptive management program administrator (program administrator). The department will employ a full-time independent program administrator to oversee the program and support CMER. The program administrator will have credentials as a program manager, scientist, and researcher. The program administrator will make reports to the board and have other responsibilities as defined in the board manual.

(c) Independent scientific peer review process. By this rule, the board establishes an independent scientific peer review process to determine if the scientific studies that address program issues are scientifically sound and technically reliable; and provide advice on the scientific basis or reliability of CMER's reports. Products that must be reviewed include final reports of CMER funded studies, certain CMER recommendations, and pertinent studies not published in a CMER-approved, peer-reviewed journal. Other

products that may require review include, but are not limited to, external information, work plans, requests for proposal, subsequent study proposals, the final study plan, and progress reports.

(d) Process: The following stages will be used to affect change for managing adaptive management proposals and approved projects. If consensus cannot be reached by participants at any stage, the issue will be addressed within the dispute resolution process.

(i) Proposal initiation: Adaptive management proposals can be initiated at this stage by any of the participants listed in (2)(b) of this subsection to the program administrator, or initiation may be proposed by the general public at board meetings. Proposals must provide the minimum information as outlined in the board manual and demonstrate how results of the proposal will address key questions and resource objectives or other program rule and/or guidance issues. The board may initiate proposals or research questions in the course of fulfilling their duties according to statute.

(ii) Proposal approval and prioritization: The program administrator will manage the proposal approval and prioritization process at this stage and consult with CMER on the program workplan. CMER proposals will be forwarded by the program administrator to policy and then to the board. The board will make the final determination regarding proposal approvals and prioritization. The board will act on proposal approval and prioritization in a timely manner.

(iii) CMER implementation of proposal: Board approved proposals are systematically implemented through CMER at this stage by the program administrator.

(iv) Independent scientific peer review: An independent scientific peer review process will be used at identified points within this stage of implementation depending upon the study and will be used on specified final studies or at the direction of the board.

(v) CMER committee technical recommendations: Upon completion, final CMER reports and information will be forwarded at this stage by the program administrator to policy in the form of a report that includes technical recommendations and a discussion of rule and/or guidance implications.

(vi) Policy petitions for amendment: Upon receipt of the CMER report, policy will prepare program rule amendments and/or guidance recommendations in the form of petitions for amendment. When completed, the petitions and the original CMER report and/or other information as applicable will be forwarded by the program administrator to the board for review and action. Policy recommendations to the board will be accompanied by formal petitions for rule making (RCW 34.05.330). Policy will use the CMER results to make specific petitions to the board for amending:

(A) The regulatory scheme of forest practices management (Title 222 WAC rules and board manual);

(B) Voluntary, incentive-based, and training programs affecting forestry;

(C) The resource objectives; and

(D) CMER itself, adaptive management procedures, or other mechanisms implementing the recommendations contained in the most current forests and fish report.

(vii) Board action to adopt petitions for amendment: Upon receiving a formal petition for amendment to rules and/or guidance, the board will take appropriate and timely action. There will be a public review of all petitions as applicable. The board will make the final determination.

(e) Biennial fiscal and performance audits. The board shall require biennial fiscal and performance audits of the program by the department or other appropriate and accepting independent state agency.

(f) CMER five-year peer review process. Every five years the board will establish a peer review process to review all work of CMER and other available, relevant data, including recommendations from the CMER staff. There will be a specified, but limited, period for public review and comment.

(g) Funding. Funding is essential to implement the adaptive management program, which is dependent on quality and relevant data. The department shall request biennial budgets to support the program priority projects and basic infrastructure needs including funding to staff the adaptive management program administrator position. A stable, long-term funding source is needed for these activities.

(h) Dispute resolution process. If consensus cannot be reached through the adaptive management program process, participants will have their issues addressed by this dispute resolution process. Potential failures include, but are not limited to: The inability of policy to agree on research priorities, program direction, or recommendations to the board for uses of monitoring and/or research after receiving a report from CMER; the inability of CMER to produce a report and recommendation on schedule; and the failure of participants to act on policy recommendations on a specified schedule. Key attributes of the dispute resolution process are:

(i) Specific substantive and benchmark (schedule) triggers will be established by the board for each monitoring and research project for invoking dispute resolution;

(ii) The dispute resolution process will be staged in three parts and may be applied at any level of the adaptive management process. Any participant, or the board, may invoke each succeeding stage, if agreement is not reached by the previous stage, within the specified time (or if agreements are not substantially implemented) as follows:

(A) Stage one will be an attempt by CMER and policy to reach consensus. On technical issues, CMER shall have up to six months to reach a consensus unless otherwise agreed upon by policy. Parties may move the process to stage two after an issue has been before policy for six months unless otherwise agreed. The time periods commence from referral of technical issues to CMER, report by CMER to policy, or the raising of a nontechnical issue (or matter not otherwise referable to CMER) directly at policy.

(B) Stage two will be either informal mediation or formal arbitration. Within one month, one or the other will be picked, with the default being formal unless otherwise agreed. Stage two will be completed within three months (including the one month to select the process) unless otherwise agreed.

(C) If stage two does not result in consensus, stage three will be action by the board. The board will consider policy and CMER reports, and majority and minority thinking regarding the results and uses of the results can be brought forward to the board. The board will make the final determination regarding dispute resolution.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these ((regulations)) rules:

"**Act**" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Alluvial fan**" see "sensitive sites" definition.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Aquatic resources**" means water quality, fish, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the Tailed frog (*Ascaphus truei*) and their respective habitats.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Bankfull depth**" means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section. (See board manual section 2.)

"**Bankfull width**" means:

(a) For streams - the measurement of the lateral extent of the water surface elevation perpendicular to the channel at bankfull depth. In cases where multiple channels exist, bankfull width is the sum of the individual channel widths along the cross-section (see board manual section 2).

(b) For lakes, ponds, and impoundments - line of mean high water.

(c) For tidal water - line of mean high tide.

(d) For periodically inundated areas of associated wetlands - line of periodic inundation, which will be found by examining the edge of inundation to ascertain where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

"**Basal area**" means the area in square feet of the cross section of a tree bole measured at 4 1/2 feet above the ground.

"**Bedrock hollows**" (colluvium-filled bedrock hollows, or hollows; also referred to as zero-order basins, swales, or

bedrock depressions) means landforms that are commonly spoon-shaped areas of convergent topography within unchannelled valleys on hillslopes. (See board manual section 16 for identification criteria.)

"**Board**" means the forest practices board established by the act.

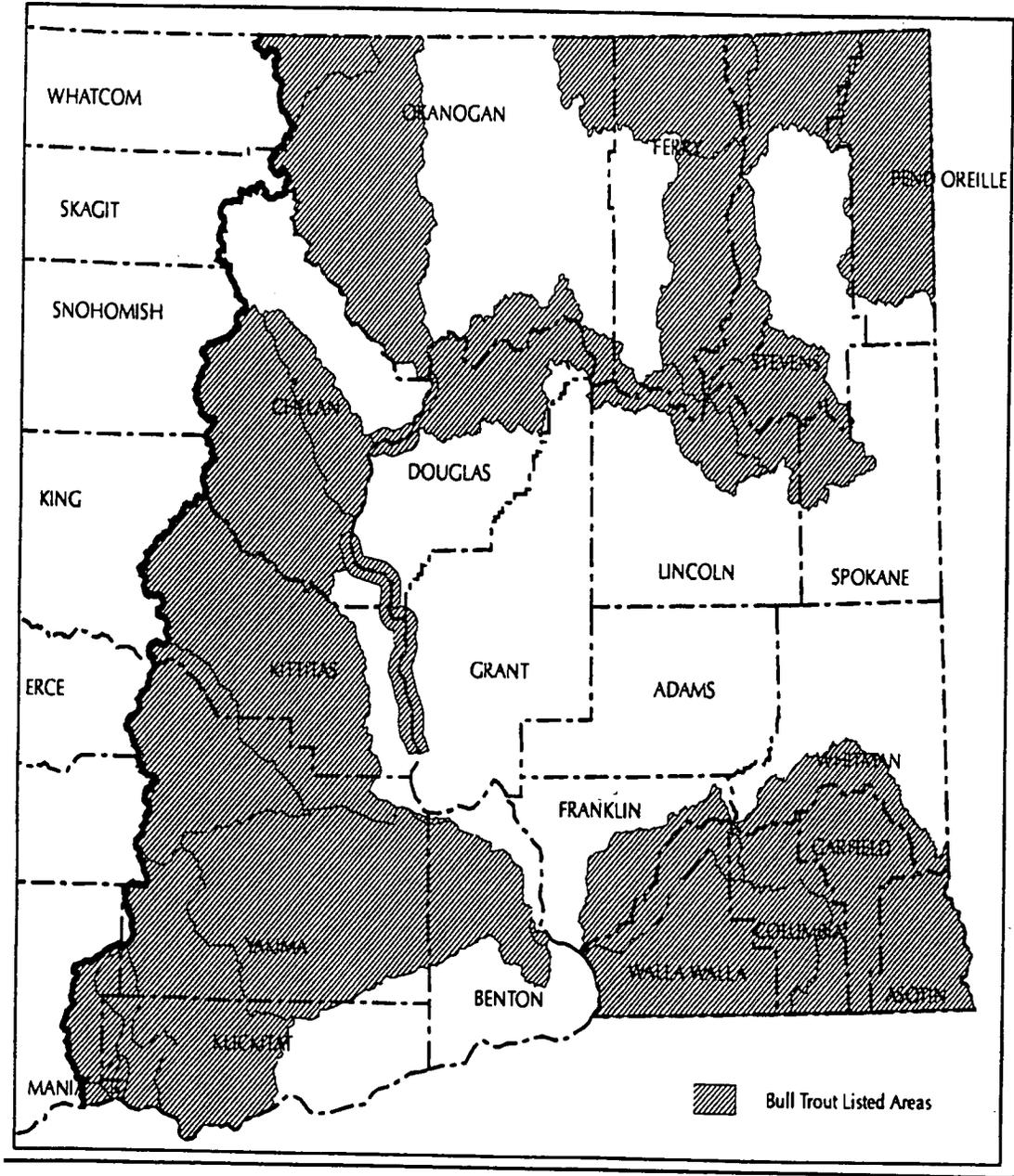
"**Bog**" means wetlands which have the following characteristics: Hydric organic soils (peat and/or muck) typically 16 inches or more in depth (except over bedrock or hardpan); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce, western Hemlock, lodgepole pine, cedar, whitepine, crabapple, or aspen, and may be associated with open water. This includes nutrient-poor fens. (See ((the Forest Practices)) board manual section 8.)

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Bull trout habitat overlay**" means those portions of Eastern Washington streams containing bull trout habitat as identified on the department of fish and wildlife's bull trout map. Prior to the development of a bull trout field protocol and the habitat-based predictive model, the "bull trout habitat overlay" map may be modified to allow for locally-based corrections using current data, field knowledge, and best professional judgment. A landowner may meet with the departments of natural resources, fish and wildlife and, in consultation with affected tribes and federal biologists, determine whether certain stream reaches have habitat conditions that are unsuitable for supporting bull trout. If such a determination is mutually agreed upon, documentation submitted to the department will result in the applicable stream reaches no longer being included within the definition of bull trout habitat overlay. Conversely, if suitable bull trout habitat is discovered outside the current mapped range, those waters will be included within the definition of "bull trout habitat overlay" by a similar process.

PERMANENT

Bull Trout Overlay Map



PERMANENT

"Channel migration zone (CMZ)" means the area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream. (See the board manual section 2 for descriptions and illustrations of CMZs, delineation guidelines), except as modified by a permanent levee or dike. For this purpose, near-term means the time scale required to grow a mature forest.

"Chemicals" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"Clearcut" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Columbia River Gorge National Scenic Area or CRGNSA" means the area established pursuant to the

Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(a).

"**CRGNSA special management area**" means the areas designated in the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §544b(b) or revised pursuant to 16 U.S.C. §544b(c). For purposes of this rule, the special management area shall not include any parcels excluded by 16 U.S.C. §544f(o).

"**CRGNSA special management area guidelines**" means the guidelines and land use designations for forest practices developed pursuant to 16 U.S.C. §544f contained in the CRGNSA management plan developed pursuant to 15 U.S.C. §544d.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: Provided, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means ((the)) introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"**Convergent headwalls**" (or headwalls) means tear-drop-shaped landforms, broad at the ridgetop and terminating where headwaters converge into a single channel; they are broadly concave both longitudinally and across the slope, but may contain sharp ridges separating the headwater channels. (See board manual section 16 for identification criteria.)

"**Conversion option harvest plan**" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"**Conversion to a use other than commercial timber operation**" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"**Cooperative habitat enhancement agreement (CHEA)**" see WAC 222-16-105.

"**Critical habitat (federal)**" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior or Commerce under Sections 3 (5)(A) and 4 (a)(3) of the Federal Endangered Species Act.

"**Critical nesting season**" means for marbled murrelets - April 1 to August 31.

"**Critical ((wildlife)) habitat (state)**" means those habitats designated by the board in accordance with WAC 222-16-080.

"**Cultural resources**" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"**Cumulative effects**" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"**Daily peak activity**" means for marbled murrelets - one hour before official sunrise to two hours after official sunrise and one hour before official sunset to one hour after official sunset.

"**Debris**" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"**Deep-seated landslides**" means landslides in which most of the area of the slide plane or zone lies below the maximum rooting depth of forest trees, to depths of tens to hundreds of feet. (See board manual section 16 for identification criteria.)

"**Demographic support**" means providing sufficient suitable owl habitat within the SOSEA to maintain the viability of northern spotted owl sites identified as necessary to meet the SOSEA goals.

"**Department**" means the department of natural resources.

"**Desired future condition (DFC)**" is a reference point on a pathway and not an endpoint for stands. DFC means the stand conditions of a mature riparian forest at 140 years of age, the midpoint between 80 and 200 years. Where basal area is the only stand attribute used to describe 140-year old stands, these are referred to as the "Target Basal Area."

"**Diameter at breast height (dbh)**" means the diameter of a tree at 4 1/2 feet above the ground measured from the uphill side.

"**Dispersal habitat**" see WAC 222-16-085(2).

"**Dispersal support**" means providing sufficient dispersal habitat for the interchange of northern spotted owls within or across the SOSEA, as necessary to meet SOSEA goals. Dispersal support is provided by a landscape consisting of stands of dispersal habitat interspersed with areas of higher quality habitat, such as suitable spotted owl habitat found within RMZs, WMZs or other required and voluntary leave areas.

"**Drainage structure**" means a construction technique or feature that is built to relieve surface runoff and/or intercepted ground water from roadside ditches to prevent exces-

sive buildup in water volume and velocity. A drainage structure is not intended to carry any typed water. Drainage structures include structures such as: Cross drains, relief culverts, ditch diversions, water bars, or other such structures demonstrated to be equally effective.

"Eastern Washington" means ((the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington)) the geographic area in Washington east of the crest of the Cascade Mountains from the international border to the top of Mt. Adams, then east of the ridge line dividing the White Salmon River drainage from the Lewis River drainage and east of the ridge line dividing the Little White Salmon River drainage from the Wind River drainage to the Washington-Oregon state line.

PERMANENT

Eastern Washington Definition Map



"Eastern Washington timber habitat types" means elevation ranges associated with tree species assigned for the purpose of riparian management according to the following:

<u>Timber Habitat Types</u>	<u>Elevation Ranges</u>
ponderosa pine	0 - 2500 feet
mixed conifer	2501 - 5000 feet
high elevation	above 5000 feet

"Edge" of any water means the outer edge of the water's bankfull width or, where applicable, the outer edge of the associated channel migration zone.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Equipment limitation zone" means a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water. It applies to all perennial and seasonal nonfish bearing streams.

"Erodible soils" means those soils that, when exposed or displaced by a forest practice operation, ((that)) would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC ((222-30-010(2))) 222-34-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"Fen" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"Fill" means the placement of earth material or aggregate for road or landing construction or other similar activities. ((Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.))

"Fish" means for purposes of these rules, species of the vertebrate taxonomic groups of *Cephalospidomorphi* and *Osteichthyes*.

~~("Flood level - 50 year." For purposes of field interpretation of these regulations, the 50 year flood level shall be considered to refer to a vertical elevation measured from the ordinary high water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50 year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.))~~ **"Fish habitat"** means habitat, which is used by fish at any life stage at any time of the year including potential habitat likely to be used by fish, which could be recovered by restoration or management and includes off-channel habitat.

"Flood level - 100 year." Is a calculated flood event flow based on an engineering computation of flood magnitude that has a 1 percent chance of occurring in any given year. For purposes of field interpretation, landowners may use the following methods:

Flow information from gauging stations;

Field estimate of water level based on guidance for "Determining the 100-Year Flood Level" in the forest practices board manual section 2.

The 100-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: Provided, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person

has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

"Forest road" means ways, lanes, roads, or driveways on forest land used since 1974 for forest practices or forest management activities such as fire control. "Forest roads" does not include skid trails, highways, or county roads except where the county is a forest landowner or operator.

"Forest trees" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: Provided, That Christmas trees are forest trees and: Provided further, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"Full bench road" means a road constructed on a side hill without using any of the material removed from the hillside as a part of the road. This construction technique is usually used on steep or unstable slopes.

"Green recruitment trees" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"Groundwater recharge areas for glacial deep-seated slides" means the area upgradient that can contribute water to the landslide, assuming that there is an impermeable perching layer in or under a deep-seated landslide in glacial deposits. (See board manual section 16 for identification criteria.)

"Headwater spring" means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

"Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"Historic site" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"Horizontal distance" means the distance between two points measured at a 0% slope.

"Hyporheic" means an area adjacent to and below channels where interstitial water is exchanged with channel water and water movement is mainly in the downstream direction.

"Identified watershed processes" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"Inner gorges" means canyons created by a combination of the downcutting action of a stream and mass movement on the slope walls; they commonly show evidence of recent movement, such as obvious landslides, vertical tracks of disturbance vegetation, or areas that are concave in contour and/or profile. (See board manual section 16 for identification criteria.)

"Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"Interdisciplinary team" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"Islands" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

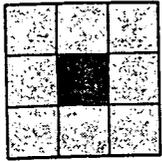
"Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"Local government entity" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"Low impact harvest" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Marbled murrelet detection area" means an area of land associated with a visual or audible detection of a marbled murrelet, made by a qualified surveyor which is documented and recorded in the department of fish and wildlife data base. The marbled murrelet detection area shall be com-

prised of the section of land in which the marbled murrelet detection was made and the eight sections of land immediately adjacent to that section.



■ Detection Section
 ■ Detection Area

"Marbled murrelet nesting platform" means any horizontal tree structure such as a limb, an area where a limb branches, a surface created by multiple leaders, a deformity, or a debris/moss platform or stick nest equal to or greater than 7 inches in diameter including associated moss if present, that is 50 feet or more above the ground in trees 32 inches dbh and greater (generally over 90 years of age) and is capable of supporting nesting by marbled murrelets.

"Median home range circle" means a circle, with a specified radius, centered on a spotted owl site center. The radius for the median home range circle in the Hoh-Clearwater/Coastal Link SOSEA is 2.7 miles; for all other SOSEAs the radius is 1.8 miles.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

- Suitable in size and quality for the production of lumber, plywood, pulp or other forest products;
- Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Multiyear permit" means a permit to conduct forest practices which is effective for longer than two years but no longer than five years.

"Northern spotted owl site center" means the location of status 1, 2 or 3 northern spotted owls based on the following definitions:

- Status 1: Pair or reproductive - a male and female heard and/or observed in close proximity to each other on the same visit, a female detected on a nest, or one or both adults observed with young.
- Status 2: Two birds, pair status unknown - the presence or response of two birds of opposite sex where pair status cannot be determined and where at least one member meets the resident territorial single requirements.
- Status 3: Resident territorial single - the presence or response of a single owl within the same general area on three or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or three or more responses over several years (i.e., two responses in year one and one response in year two, for the same general area).

In determining the existence, location, and status of northern spotted owl site centers, the department shall consult with the department of fish and wildlife and use only those

sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Occupied marbled murrelet site" means:

(1) A contiguous area of suitable marbled murrelet habitat where at least one of the following marbled murrelet behaviors or conditions occur:

- (a) A nest is located; or
- (b) Downy chicks or eggs or egg shells are found; or
- (c) Marbled murrelets are detected flying below, through, into or out of the forest canopy; or
- (d) Birds calling from a stationary location within the area; or
- (e) Birds circling above a timber stand within one tree height of the top of the canopy; or

(2) A contiguous forested area, which does not meet the definition of suitable marbled murrelet habitat, in which any of the behaviors or conditions listed above has been documented by the department of fish and wildlife and which is distinguishable from the adjacent forest based on vegetative characteristics important to nesting marbled murrelets.

(3) For sites defined in (1) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the vegetative characteristics listed under "suitable marbled murrelet habitat"; or
- (c) The beginning of any narrow area of "suitable marbled murrelet habitat" less than 300 feet in width and more than 300 feet in length.

(4) For sites defined under (2) above, the outer perimeter of the occupied site shall be presumed to be the closer, measured from the point where the observed behaviors or conditions listed in (1) above occurred, of the following:

- (a) 1.5 miles from the point where the observed behaviors or conditions listed in (1) above occurred; or
- (b) The beginning of any gap greater than 300 feet wide lacking one or more of the distinguishing vegetative characteristics important to murrelets; or
- (c) The beginning of any narrow area of suitable marbled murrelet habitat, comparable to the area where the observed behaviors or conditions listed in (1) above occurred, less than 300 feet in width and more than 300 feet in length.

(5) In determining the existence, location and status of occupied marbled murrelet sites, the department shall consult with the department of fish and wildlife and use only those sites documented in substantial compliance with guidelines or protocols and quality control methods established by and available from the department of fish and wildlife.

"Old forest habitat" see WAC 222-16;085 (1)(a).

PERMANENT

"Operator" shall mean any person engaging in forest practices except an employee with wages as his/her sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: Provided, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide, but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Preferred tree species" means the following species listed in descending order of priority for each timber habitat type:

<u>Ponderosa pine habitat type</u>	<u>Mixed conifer habitat type</u>
<u>all hardwoods</u>	<u>all hardwoods</u>
<u>ponderosa pine</u>	<u>western larch</u>
<u>western larch</u>	<u>ponderosa pine</u>
<u>Douglas-fir</u>	<u>western red cedar</u>
<u>western red cedar</u>	<u>white pine</u>
	<u>Douglas-fir</u>
	<u>lodgepole pine</u>

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Qualified surveyor" means an individual who has successfully completed the marbled murrelet field training course offered by the department of fish and wildlife or its equivalent.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

~~("Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.)~~

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian function" includes bank stability, the recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic system conditions.

"Riparian management zone (RMZ)" means:

(1) For Western Washington

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

<u>Site Class</u>	<u>Western Washington Total RMZ Width</u>
<u>I</u>	<u>200'</u>
<u>II</u>	<u>170'</u>
<u>III</u>	<u>140'</u>
<u>IV</u>	<u>110'</u>
<u>V</u>	<u>90'</u>

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-021(2).)

(2) For Eastern Washington

(a) The area protected on each side of a Type S or F Water measured horizontally from the outer edge of the bankfull width or the outer edge of the CMZ, whichever is greater (see table below); and

PERMANENT

Site Class	Eastern Washington Total RMZ Width
I	130'
II	110'
III	90' or 100'*
IV	75' or 100'*
V	75' or 100'*

* Dependent upon stream size. (See WAC 222-30-022.)

(b) The area protected on each side of Type Np Waters, measured horizontally from the outer edge of the bankfull width. (See WAC 222-30-022(2).)

(3) **For exempt 20 acre parcels**, a specified area along-side Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"RMZ core zone" means:

(1) **For Western Washington**, the 50 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the 30 foot buffer of a Type S or F Water, measured horizontally from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-022.)

"RMZ inner zone" means:

(1) **For Western Washington**, the area measured horizontally from the outer boundary of the core zone of a Type S or F Water to the outer limit of the inner zone. The outer limit of the inner zone is determined based on the width of the affected water, site class and the management option chosen for timber harvest within the inner zone. (See WAC 222-30-021.)

(2) **For Eastern Washington**, the area measured horizontally from the outer boundary of the core zone 45 feet (for streams less than 15 feet wide) or 70 feet (for streams more than 15 feet wide) from the outer boundary of the core zone. (See WAC 222-30-022.)

"RMZ outer zone" means the area measured horizontally between the outer boundary of the inner zone and the RMZ width as specified in the riparian management zone definition above. RMZ width is measured from the outer edge of the bankfull width or the outer edge of the channel migration zone, whichever is greater. (See WAC 222-30-021 and 222-30-022.)

"Road construction" means the establishment of any new sub-grade including widening, realignment, or modification of an existing road prism, with the exception of replacing or installing drainage structures, for the purposes of managing forest land under Title 222 WAC.

"Road maintenance" means any road work specifically related to maintaining water control or road safety and visibility (such as: grading, spot rocking, resurfacing, roadside vegetation control, water barring, ditch clean out, replacing or installing relief culverts, cleaning culvert inlets and outlets) on existing forest roads.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Sensitive sites" are areas near or adjacent to Type Np Water and have one or more of the following:

(1) **Headwall seep** is a seep located at the toe of a cliff or other steep topographical feature and at the head of a Type Np Water which connects to the stream channel network via overland flow, and is characterized by loose substrate and/or fractured bedrock with perennial water at or near the surface throughout the year.

(2) **Side-slope seep** is a seep within 100 feet of a Type Np Water located on side-slopes which are greater than 20 percent, connected to the stream channel network via overland flow, and characterized by loose substrate and fractured bedrock, excluding muck with perennial water at or near the surface throughout the year. Water delivery to the Type Np channel is visible by someone standing in or near the stream.

(3) **Type Np intersection** is the intersection of two or more Type Np Waters.

(4) **Headwater spring** means a permanent spring at the head of a perennial channel. Where a headwater spring can be found, it will coincide with the uppermost extent of Type Np Water.

(5) **Alluvial fan** means an erosional land form consisting of cone-shaped deposit of water-borne, often coarse-sized sediments.

(a) The upstream end of the fan (cone apex) is typically characterized by a distinct increase in channel width where a stream emerges from a narrow valley;

(b) The downstream edge of the fan is defined as the sediment confluence with a higher order channel; and

(c) The lateral margins of a fan are characterized by distinct local changes in sediment elevation and often show disturbed vegetation.

Alluvial fan does not include features that were formed under climatic or geologic conditions which are not currently present or that are no longer dynamic.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site class" means a grouping of site indices that are used to determine the 50-year or 100-year site class. In order to determine site class, the landowner will obtain the site class index from the state soil survey, place it in the correct index range shown in the two tables provided in this definition, and select the corresponding site class. The site class will then drive the RMZ width. (See WAC 222-30-021 and 222-30-022.)

(1) For Western Washington

<u>Site class</u>	<u>50-year site index range</u> (state soil survey)
I	137+
II	119-136
III	97-118
IV	76-96
V	<75

(2) For Eastern Washington

<u>Site class</u>	<u>100-year site index range</u> (state soil survey)	<u>50-year site index range</u> (state soil survey)
I	120+	86+
II	101-120	72-85
III	81-100	58-71
IV	61-80	44-57
V	≤60	<44

(3) For purposes of this definition, the site index at any location will be the site index reported by the *Washington State Department of Natural Resources State Soil Survey*, (soil survey) and detailed in the associated forest soil summary sheets. If the soil survey does not report a site index for the location or indicates noncommercial or marginal forest land, or the major species table indicates red alder, the following apply:

(a) If the site index in the soil survey is for red alder, and the whole RMZ width is within that site index, then use site class V. If the red alder site index is only for a portion of the RMZ width, or there is on-site evidence that the site has historically supported conifer, then use the site class for conifer in the most physiographically similar adjacent soil polygon.

(b) In Western Washington, if no site index is reported in the soil survey, use the site class for conifer in the most physiographically similar adjacent soil polygon.

(c) In Eastern Washington, if no site index is reported in the soil survey, assume site class III, unless site specific information indicates otherwise.

(d) If the site index is noncommercial or marginally commercial, then use site class V.

See also section 7 of the board manual.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"SOSEA goals" means the goals specified for a spotted owl special emphasis area as identified on the SOSEA maps (see WAC 222-16-086). SOSEA goals provide for demographic and/or dispersal support as necessary to complement

the northern spotted owl protection strategies on federal land within or adjacent to the SOSEA.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Spotted owl dispersal habitat" see WAC 222-16-085(2).

"Spotted owl special emphasis areas (SOSEA)" means the geographic areas as mapped in WAC 222-16-086. Detailed maps of the SOSEAs indicating the boundaries and goals are available from the department at its regional offices.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Stream-adjacent parallel roads" means roads (including associated right-of-way clearing) in a riparian management zone on a property that have an alignment that is parallel to the general alignment of the stream, including roads used by others under easements or cooperative road agreements. Also included are stream crossings where the alignment of the road continues to parallel the stream for more than 250 feet on either side of the stream. Not included are federal, state, county or municipal roads that are not subject to forest practices rules, or roads of another adjacent landowner.

"Sub-mature habitat" see WAC 222-16-085 (1)(b).

"Suitable marbled murrelet habitat" means a contiguous forested area containing trees capable of providing nesting opportunities:

(1) With all of the following indicators unless the department, in consultation with the department of fish and wildlife, has determined that the habitat is not likely to be occupied by marbled murrelets:

(a) Within 50 miles of marine waters;

(b) At least 40% of the dominant and codominant trees are Douglas-fir, western hemlock, western red cedar or sitka spruce;

(c) Two or more nesting platforms per acre;

(d) At least 7 acres in size, including the contiguous forested area within 300 feet of nesting platforms, with similar forest stand characteristics (age, species composition, forest structure) to the forested area in which the nesting platforms occur.

"Suitable spotted owl habitat" see WAC 222-16-085(1).

"Temporary road" means a forest road that is constructed and intended for use during the life of an approved forest practices application/notification. All temporary roads must be abandoned in accordance to WAC 222-24-052(3).

"Threaten public safety" means to increase the risk to the public at large from snow avalanches, identified in consultation with the department of transportation or a local government, or landslides or debris torrents caused or triggered by forest practices.

PERMANENT

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior or Commerce, and all species of wildlife designated as "threatened" or "endangered" by the Washington fish and wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the ~~((lands of the state lying west of the administrative line described in the definition of))~~ geographic area of Washington west of the Cascade crest and the drainages defined in Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

"Yarding corridor" means a narrow, linear path through a riparian management zone to allow suspended cables necessary to support cable logging methods or suspended or partially suspended logs to be transported through these areas by cable logging methods.

"Young forest marginal habitat" see WAC 222-16-085 (1)(b).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-030 Water typing system. ~~((^{*}))~~ Until the fish habitat water type maps described below are adopted by the board, the Interim Water Typing System established in WAC 222-16-031 will continue to be used. The department in cooperation with the departments of fish and wildlife, and ecology, and in consultation with affected Indian tribes ~~((shall))~~ will classify streams, lakes and ponds ~~((and)).~~ The department will prepare ((stream classification)) water type maps showing the location of Type ((1, 2, 3 and 4)) S, F, and N (Np and Ns) Waters within the ((various)) forested areas of the state. ((Such maps shall be available for public inspection at region offices of the department. The waters will be classified using the following criteria:)) The maps will be based on a multiparameter, field-verified geographic information system (GIS) logistic regression model. The multiparameter model will be designed to identify fish habitat by using geo-

morphic parameters such as basin size, gradient, elevation and other indicators. The modeling process shall be designed to achieve a level of statistical accuracy of 95% in separating fish habitat streams and nonfish habitat streams. Furthermore, the demarcation of fish and nonfish habitat waters shall be equally likely to over and under estimate the presence of fish habitat. These maps shall be referred to as "fish habitat water typing maps" and shall, when completed, be available for public inspection at region offices of the department.

Fish habitat water type maps will be updated every five years where necessary to better reflect observed, in-field conditions. Except for these periodic revisions of the maps, on-the-ground observations of fish or habitat characteristics will generally not be used to adjust mapped water types. However, if an on-site interdisciplinary team using nonlethal methods identifies fish, or finds that habitat is not accessible due to naturally occurring conditions and no fish reside above the blockage, then the water type will be immediately changed to reflect the findings of the interdisciplinary team. The finding will be documented on a water type update form provided by the department and the fish habitat water type map will be updated as soon as practicable. If a dispute arises concerning a water type the department shall make available informal conferences, as established in WAC 222-46-020 which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted water types. ((These conferences shall be established under procedures established in WAC 222-46-020.))

The waters will be classified using the following criteria:

*~~(1)~~ **"Type ~~(1)~~ S Water"** means all waters, within their ~~((ordinary high water mark))~~ bankfull width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, ~~(, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.)~~ including periodically inundated areas of their associated wetlands.

*~~(2)~~ **"Type ~~(2)~~ F Water"** ~~((shall))~~ means segments of natural waters other than Type S Waters, which are ~~((not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which))~~ within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories:

(a) Waters, which are diverted for domestic use by more than ~~((100))~~ 10 residential or camping units or by a public accommodation facility licensed to serve more than ~~((100))~~ 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type ~~((2))~~ F Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Waters, which are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F Water upstream from the point of diversion for

1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type F Water designation provided the department determines after a landowner-requested on-site assessment by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Waters, which are within a federal, state, local, or private campground having more than ~~((30))~~ 10 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;

~~((e))~~ Are used by substantial numbers of anadromous or resident game fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater in width between the ordinary high water marks and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or

(d) Are used by salmonids for off-channel habitat. These areas are critical to the maintenance of optimum survival of juvenile salmonids. This habitat shall be identified based on the following criteria) (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish. This habitat shall be identified based on the following criteria:

(i) The site must be connected to a ~~((stream-bearing salmonids))~~ fish habitat stream and accessible during some period of the year; and

(ii) The off-channel water must be accessible to ~~((juvenile salmonids through a drainage with less than a 5% gradient))~~ fish.

~~((*)~~ **"Type ~~(3)~~ Water"** shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by significant numbers of anadromous fish for spawning, rearing or migration. Waters having the fol-

lowing characteristics are presumed to have significant anadromous fish use:

(i) Stream segments having a defined channel of 5 feet or greater in width between the ordinary high water marks; and having a gradient of less than 12 percent and not upstream of a falls of more than 10 vertical feet.

(ii) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to an anadromous fish stream.

(e) ~~Are used by significant numbers of resident game fish. Waters with the following characteristics are presumed to have significant resident game fish use:~~

~~(i) Stream segments having a defined channel of 10 feet or greater in width between the ordinary high water marks; and a summer low flow greater than 0.3 cubic feet per second; and a gradient of less than 12 percent.~~

~~(ii) Ponds or impoundments having a surface area greater than 0.5 acre at seasonal low water; or~~

~~(d) Are highly significant for protection of downstream water quality. Tributaries which contribute greater than 20 percent of the flow to a Type 1 or 2 Water are presumed to be significant for 1,500 feet from their confluence with the Type 1 or 2 Water or until their drainage area is less than 50 percent of their drainage area at the point of confluence, whichever is less.~~

~~*(4) "Type 4 Water" classification shall be applied to segments of natural waters which are not classified as Type 1, 2 or 3, and for the purpose of protecting water quality downstream are classified as Type 4 Water upstream until the channel width becomes less than 2 feet in width between the ordinary high water marks. Their significance lies in their influence on water quality downstream in Type 1, 2, and 3 Waters. These may be perennial or intermittent.~~

~~*(5) "Type 5 Water" classification shall be applied to all natural waters not classified as Type 1, 2, 3 or 4; including streams with or without well defined channels, areas of perennial or intermittent seepage, ponds, natural sinks and drainageways having short periods of spring or storm runoff.~~

~~*(6)) Np Water" means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type Np Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see board manual, section 23), then Type Np Waters begin at a point along the channel where the contributing basin area is:~~

~~(a) At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);~~

~~(b) At least 52 acres in other locations in Western Washington;~~

~~(c) At least 300 acres in Eastern Washington.~~

~~(4) "Type Ns Water" means all segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at~~

least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np Water. Ns Waters must be physically connected by an above-ground channel system to Type S, F, or Np Waters.

~~*(5) For purposes of this section:~~

~~(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.~~

~~(b) "Camping unit" means an area intended and used for:~~

~~(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or~~

~~(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.~~

~~(c) ("Resident game fish" means game fish as described in the Washington game code that spend their life cycle in fresh water. Steelhead, searun cutthroat and Dolly Varden trout are anadromous game fish and should not be confused with resident game fish.~~

~~(d)) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.~~

~~((e)) (d) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.~~

~~((f)) (e) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.~~

~~((g)) (f) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps (see board manual section 23).~~

~~((h)) (g) "Intermittent streams" means those segments of streams that normally go dry.~~

~~(h) "Fish habitat" means habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.~~

NEW SECTION

WAC 222-16-031 Interim water typing system. Until the fish habitat water type maps mentioned above are available, waters will be classified according to the interim water typing system described below. If a dispute arises concerning a water type, the department shall make available informal conferences, which shall include the departments of fish and wildlife, ecology, and affected Indian tribes and those contesting the adopted water types. These conferences shall be established under procedures established in WAC 222-46-020.

For the purposes of this interim water typing system see the following table:

Water Type Conversion Table

Permanent Water Typing	Interim Water Typing
Type "S"	Type 1 Water
Type "F"	Type 2 and 3 Water
Type "Np"	Type 4 Water
Type "Ns"	Type 5 Water

*(1) **"Type 1 Water"** means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW, but not including those waters' associated wetlands as defined in chapter 90.58 RCW.

*(2) **"Type 2 Water"** means segments of natural waters which are not classified as Type 1 Water and have a high fish, wildlife, or human use. These are segments of natural waters and periodically inundated areas of their associated wetlands, which:

(a) Are diverted for domestic use by more than 100 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and only considered Type 2 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type 2 Water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality. The department may allow additional harvest beyond the requirements of Type 2 Water designation provided by the department of fish and wildlife, department of ecology, the affected tribes and interested parties that:

(i) The management practices proposed by the landowner will adequately protect water quality for the fish hatchery; and

(ii) Such additional harvest meets the requirements of the water type designation that would apply in the absence of the hatchery;

(c) Are within a federal, state, local or private campground having more than 30 camping units: Provided, That the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit.

(d) Are used by fish for spawning, rearing or migration. Waters having the following characteristics are presumed to have highly significant fish populations:

(i) Stream segments having a defined channel 20 feet or greater within the bankfull width and having a gradient of less than 4 percent.

(ii) Lakes, ponds, or impoundments having a surface area of 1 acre or greater at seasonal low water; or

(e) Are used by fish for off-channel habitat. These areas are critical to the maintenance of optimum survival of fish.

This habitat shall be identified based on the following criteria:

(i) The site must be connected to a fish bearing stream and be accessible during some period of the year; and

(ii) The off-channel water must be accessible to fish through a drainage with less than a 5% gradient.

*(3) **"Type 3 Water"** means segments of natural waters which are not classified as Type 1 or 2 Waters and have a moderate to slight fish, wildlife, and human use. These are segments of natural waters and periodically inundated areas of their associated wetlands which:

(a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the department to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type 3 Water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;

(b) Are used by fish for spawning, rearing or migration. The requirements for determining fish use are described in the board manual section 13. If fish use has not been determined:

(i) Waters having the following characteristics are presumed to have fish use:

(A) Stream segments having a defined channel of 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater in width in Eastern Washington; and having a gradient of 16 percent or less.

(B) Stream segments having a defined channel or 2 feet or greater within the bankfull width in Western Washington; or 3 feet or greater within the bankfull width in Eastern Washington, and having a gradient greater than 16 percent and less than or equal to 20 percent, and having greater than 50 acres in contributing basin size in Western Washington or greater than 175 acres contributing basin size in Eastern Washington, based on hydrographic boundaries;

(C) Ponds or impoundments having a surface area of less than 1 acre at seasonal low water and having an outlet to a fish stream;

(D) Ponds of impoundments having a surface area greater than 0.5 acre at seasonal low water.

(ii) The department shall waive or modify the characteristics in (i) of this subsection where:

(A) Waters have confirmed, long term, naturally occurring water quality parameters incapable of supporting fish;

(B) Snowmelt streams have short flow cycles that do not support successful life history phases of fish. These streams typically have no flow in the winter months and discontinue flow by June 1; or

(C) Sufficient information about a geomorphic region is available to support a departure from the characteristics in (i) of this subsection, as determined in consultation with the department of fish and wildlife, department of ecology, affected tribes and interested parties.

*(4) **"Type 4 Water"** means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are

PERMANENT

waters that do not go dry any time of a year of normal rainfall. However, for the purpose of water typing, Type 4 Waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see board manual, section 23), then Type 4 Waters begin at a point along the channel where the contributing basin area is:

(a) At least 13 acres in the Western Washington coastal zone (which corresponds to the Sitka spruce zone defined in Franklin and Dyrness, 1973);

(b) At least 52 acres in other locations in Western Washington;

(c) At least 300 acres in Eastern Washington.

***(5) "Type 5 Waters"** means all segments of natural waters within the bankfull width of the defined channels that are not Type 1, 2, 3, or 4 Waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of the year and are not located downstream from any stream reach that is a Type 4 Water. Type 5 Waters must be physically connected by an above-ground channel system to Type 1, 2, 3, or 4 Waters.

***(6)** For purposes of this section:

(a) "Residential unit" means a home, apartment, residential condominium unit or mobile home, serving as the principal place of residence.

(b) "Camping unit" means an area intended and used for:

(i) Overnight camping or picnicking by the public containing at least a fireplace, picnic table and access to water and sanitary facilities; or

(ii) A permanent home or condominium unit or mobile home not qualifying as a "residential unit" because of part time occupancy.

(c) "Public accommodation facility" means a business establishment open to and licensed to serve the public, such as a restaurant, tavern, motel or hotel.

(d) "Natural waters" only excludes water conveyance systems which are artificially constructed and actively maintained for irrigation.

(e) "Seasonal low flow" and "seasonal low water" mean the conditions of the 7-day, 2-year low water situation, as measured or estimated by accepted hydrologic techniques recognized by the department.

(f) "Channel width and gradient" means a measurement over a representative section of at least 500 linear feet with at least 10 evenly spaced measurement points along the normal stream channel but excluding unusually wide areas of negligible gradient such as marshy or swampy areas, beaver ponds and impoundments. Channel gradient may be determined utilizing stream profiles plotted from United States geological survey topographic maps. (See board manual section 23.)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-035 Wetland typing system. *The department in cooperation with the departments of fish and wildlife, and ecology, and affected Indian tribes shall classify wetlands. The wetlands will be classified in order to distinguish those which require wetland management zones and

those which do not. Wetlands which require wetland management zones shall be identified using the following criteria: ~~Accurate delineation of wetlands in accordance with the manual shall be required only where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10) and shall be limited to the area of wetland proposed to be filled. For the purposes of determining acreage to classify or type wetlands under this section, approximate determination using aerial photographs and maps, including the national wetlands inventory, shall be sufficient. In addition, the innermost boundary of the wetland management zone on Type A or B wetlands may be determined by either of two methods: Delineation of the wetland edge, or identifying the point where the crown cover changes from less than 30% to 30% or more. Except where necessary to determine whether replacement by substitution or enhancement is required pursuant to WAC 222-24-025(10), accurate delineation shall not be required under this Title 222 WAC for activities regulated by these rules, including but not limited to the location of roads, landings, culverts, and cross drains. Landowners are encouraged to leave vegetation in these forested wetlands in undisturbed leave areas where possible. When so requested by any affected landowners, applicant or aggrieved person, the department shall make available informal conferences, which shall include the departments of fish and wildlife, and ecology, and affected Indian tribes and those contesting the adopted wetland types. These conferences shall be established under procedures established in WAC 222-46-020.~~

***(1) "Nonforested wetlands"** means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of less than 30 percent.

(a) "**Type A Wetland**" classification shall be applied to all nonforested wetlands which:

(i) Are greater than 0.5 acre in size, including any acreage of open water where the water is completely surrounded by the wetland; and

(ii) Are associated with at least 0.5 acre of ponded or standing open water. The open water must be present on the site for at least 7 consecutive days between April 1 and October 1 to be considered for the purposes of these rules; or

(b) "**Type B Wetland**" classification shall be applied to all other nonforested wetlands greater than 0.25 acre.

***(2) "Forested wetland"** means any wetland or portion thereof that has, or if the trees were mature would have, a crown closure of 30 percent or more.

***(3) "All forested and nonforested bogs" greater than 0.25 acres shall be considered Type A Wetlands.**

***(4) For the purposes of determining acreage to classify or type wetlands under this section, approximate determination using aerial photographs and maps, including the national wetlands inventory, shall be sufficient. In addition, the innermost boundary of the wetland management zone on Type A or B Wetlands may be determined by either of two methods: Delineation of the wetland edge, or identifying the point where the crown cover changes from less than 30 percent to 30 percent or more.**

NEW SECTION

WAC *222-16-036 Wetland mapping. Wetlands mapping is required in connection with any forest practices application where the proposed activities relate to timber harvest or road construction.

* (1) Landowners must map all forested wetlands and Type A and B Wetlands where more than one-tenth (0.1) acre of such wetlands will be impacted by filling and where mitigation for such filling is required.

* (2) Landowners must make an approximate determination of the boundaries and map all forested wetlands (regardless of size) that are in a riparian management zone, including those parts of the forested wetlands that lie within the harvest unit but outside of the riparian management zone. Mapping is not required if entry within the riparian management zone is not proposed as part of the harvest application.

* (3) Landowners must make an approximate determination of the boundaries and map all forested wetlands 3 acres or more in size within the boundaries of the land to be covered by the application.

* (4) All such mapping must be performed to the wetland delineation and mapping standards outlined in the board manual, section 8.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC *222-16-050 Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices (~~regulations~~) rules.

(1) "**Class IV - special.**" Except as provided in WAC 222-16-051, application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

* (a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as((:

(i)) critical ((wildlife)) habitat (state) of threatened or endangered species((; or

(ii) Critical habitat (federal) of threatened or endangered species except those excluded by the board under WAC 222-16-080(3)).

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

~~*(d) ((Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, when such slide prone areas occur on an uninterrupted slope above water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.~~

~~*(e) Timber harvest in a watershed administrative unit that has not undergone a watershed analysis under chapter 222-22 WAC, on slide prone areas, field verified by the department, where soils, geologic structure, and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any water typed pursuant to WAC 222-16-030, Type A or Type B Wetland, or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.~~

(f)) Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal areas, on potentially unstable slopes or landforms described in (i) below that has the potential to deliver sediment or debris to a public resource or that has the potential to threaten public safety, and which has been field verified by the department (see WAC 222-10-030 SEPA policies for potential unstable slopes and landforms).

(i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following: (See the board manual section 16 for more descriptive definitions.)

(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than 35 degrees (70%);

(B) Toes of deep-seated landslides, with slopes steeper than 33 degrees (65%);

(C) Ground water recharge areas for glacial deep-seated landslides;

(D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or

(E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.

(ii) The department will base its classification of the application/notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports or other information provided by the applicant.

(iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:

(A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;

(B) The forest practices are to be conducted in accordance with an approved prescription from the watershed analysis (or as modified through the 5-year review process); and

(C) The applicable prescription is specific to the site or situation, as opposed to a prescription that calls for additional

analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.

*~~(e)~~ (f) Timber harvest, in a watershed administrative unit ((that has) not ((undergone a) subject to an approved watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.

((~~(g)~~) (f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

((~~(h)~~) *~~(g)~~ Forest practices subject to ((a) an approved watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

((~~(i)~~) *~~(h)~~ Filling or draining of more than 0.5 acre of a wetland.

(2) "**Class IV - general.**" Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "**Class I.**" Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*~~(b)~~ Road maintenance except: (i) Replacement of bridges and culverts across Type ((1, 2, 3)) S, F or flowing Type ((4)) Np Waters; or (ii) movement of material that has a direct potential for entering Type ((1, 2, 3)) S, F or flowing Type ((4)) Np Waters or Type A or B Wetlands.

*~~(c)~~ Construction of landings less than 1 acre in size, if not within a shoreline area of a Type ((1)) S Water, the riparian management zone of a Type ((2 or 3)) F Water, the ((ordinary high water mark)) bankfull width of a Type ((4)) Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*~~(d)~~ Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type ((1)) S Water, the riparian management zone of a Type ((2 or Type 3)) F Water, the ((ordinary high water mark)) bankfull width of a Type ((4)) Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*~~(e)~~ Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type ((1)) S Water and does not involve disturbance of the beds or banks of any waters.

*~~(f)~~ Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*~~(n)~~ Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type ((1)) S Water, the riparian management zone of any Type ((2 or 3)) F Water, or the ((ordinary high water mark)) bankfull width of a Type ((4)) Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*~~(o)~~ Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

*~~(p)~~ Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

*~~(r)~~ Any of the following if none of the operation or limits of construction takes place within the shoreline area of a

Type ((+)) ~~S~~ Water or the riparian management zone of a Type ((2-or-3)) ~~F~~ Water, the ((~~ordinary high water mark~~)) bankfull width of a Type ((4)) ~~Np~~ Water or flowing Type ((5)) ~~Ns~~ Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "**Class II.**" Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: *Provided*, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves ((~~a bond in lieu of landowners signature~~)) owner of perpetual timber rights subject to RCW 76.09.067 (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal. Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary 5-year review of the watershed analysis.

* (c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type ((2-or-3)) ~~F~~ Water, within the ((~~ordinary high water mark~~)) bankfull width of a Type ((4)) ~~Np~~ Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

* (d) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type ((2-or-3)) ~~F~~ Water, within the ((~~ordinary~~

~~high water mark~~)) bankfull width of a Type ((4)) ~~Np~~ Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent((+)).

(e) Salvage of logging residue.

* ((e)) (f) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type ((2-or-3)) ~~F~~ Water, within the ((~~ordinary high water mark~~)) bankfull width of a Type ((4)) ~~Np~~ Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "**Class III.**" Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

* (b) Those within the shorelines of the state other than those in a Class I forest practice.

* (c) Aerial application of insecticides, except where classified as a Class IV forest practice.

* (d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

* (e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

* (f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

* (h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type ((1,2,3)) ~~S,F~~ or flowing Type ((4)) ~~Np~~ Waters; or

(ii) Movement of material that has a direct potential for entering Type ((1,2,3)) ~~S,F~~ or flowing Type ((4)) ~~Np~~ Waters or Type A or B Wetlands.

(i) Operations involving ((~~an applicant's bond in lieu of a landowner's signature~~)) owner of perpetual timber rights subject to RCW 76.09.067.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cul-

tural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

*(o) Multiyear permits.

NEW SECTION

WAC 222-16-051 *Exception to Class IV-Special. An application would not be classified as Class IV-Special based on its potential impact to aquatic resources under any subsection of WAC 222-16-050(1) if the application is consistent with an agreement described in WAC 222-12-041(3) and the agreement addresses the risk to aquatic resources addressed in such subsection of WAC 222-16-050(1). The landowner must identify these subsections at the time of application. Forest practices applications may still be classified as Class IV-Special based upon the potential for impact to other factors listed in any subsection of WAC 222-16-050(1).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-070 Pesticide uses with the potential for a substantial impact on the environment. *To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section. See WAC 222-16-050 (1)(a).

(1) Pesticide list - The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The department shall conduct, in consultation with the departments of ecology, health, agriculture, and fish and wildlife, an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) Active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) Toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution," "warning," "danger," or "danger - poison" except as modified to consider aquatic or mammalian toxicity; and

(c) Whether the pesticide is a state restricted use pesticide for the protection of ground water under WAC 16-228-164(1).

(2) Key for evaluating applications. To determine whether aerial application of a pesticide has the potential for

a substantial impact on the environment, the department shall apply the following analysis:

KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALLY APPLIED ((CHEMICALS)) PESTICIDES

Question	Question	Resp	Action
1 (a)	Is the pesticide on the pesticide list (WAC 222-16-070(1))?	Yes No	go to 2 go to 1(b)
1 (b)	Is the pesticide being used under a Dept of Agriculture Experimental Use Permit (WAC 16-228-125)?	Yes No	Class III Class IV Sp
2	Is the toxicity rating for the pesticide to be used "Danger - Poison" as designated in the pesticide list (WAC 222-16-070(1)(b))?	Yes No	Class IV Sp go to 3(a)
3 (a)	Is <i>Bacillus thuringiensis</i> (BT) the only pesticide being used on this application?	Yes No	go to 3(b) go to 4(a)
3 (b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical ((wildlife)) habitat (State) of a species within the application area that is susceptible to the BT strain being used?	Yes No	Class IV Sp Class III
4 (a)	Is this operation occurring over ground water with a high susceptibility to contamination as specified in EPA 910/9-87-189 or in documentation provided by the department of ecology?	Yes No	go to 4(b) go to 5(a)
4 (b)	Is this pesticide a state restricted use pesticide for the protection of ground water under WAC 16-228-164 (1)?	Yes No	Class IV Sp go to 5(a)
5 (a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	go to 5(b) go to 5(e)
5 (b)	Determine the toxicity rating from the pesticide list: *Is the toxicity rating "Caution" or "Warning"? *Is the toxicity rating "Danger"?	Yes Yes	go to 5(c) go to 5(d)
5 (c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within one half mile downstream of the operation?	Yes No	Class IV Sp go to 5(e)
5 (d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within 1 mile downstream of the operation?	Yes No	Class IV Sp go to 5(e)
5 (e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV Sp go to 5(f)
5 (f)	Is the operation applying a pesticide in a Type A or B wetland?	Yes No	Class IV Sp go to 6(a)

PERMANENT

KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALLY APPLIED ((CHEMICALS)) PESTICIDES

Question	Question	Resp	Action
6 (a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV Sp go to 6(b)
6 (b)	Is there a Threatened or Endangered species or the critical habitat (Federal) or critical ((wildlife)) habitat (State) of a species within the application area?	Yes No	Class IV Sp go to 6(c)
6 (c)	If there is a special concern identified for this pesticide in the Board manual, does it apply to this application?	Yes No	Class IV Sp Class III

(3) Special concerns (see WAC 222-16-070 (2)6(c)) shall be evaluated by the department of agriculture. Information regarding special concerns shall be presented to the board for review. Approved special concerns shall be included in the ((board's)) board manual. Special concerns shall include situations where use of pesticides has the potential for a substantial impact on the environment, beyond those covered specifically in the key in subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-16-080 Critical ((wildlife)) habitats (state) ((and critical habitat (federal))) of threatened and endangered species. (1) Critical ((wildlife)) habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of fish and wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of fish and wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of fish and wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of fish and wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of fish and wildlife.

(h) Northern spotted owl(~~(--the following shall apply through June 30, 1996: Harvesting, road construction, or aerial application of pesticides on the most suitable 500 acres of nesting, roosting, and foraging habitat surrounding the northern spotted owl site center. The most suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife, tribes, and others with applicable expertise. Consideration shall be given to habitat quality, proximity to the activity center and contiguity in selecting the most suitable 500 acres of habitat.~~)

Beginning July 1, 1996, the following shall apply for the northern spotted owl:))

(i) **Within a SOSEA boundary** (see maps in WAC 222-16-086), except as indicated in (h)(ii) of this subsection, harvesting, road construction, or aerial application of pesticides on suitable spotted owl habitat within a median home range circle that is centered within the SOSEA or on adjacent federal lands.

(ii) **Within the Entiat SOSEA**, harvesting, road construction, or aerial application of pesticides within the areas indicated for demographic support (see WAC 222-16-086(2)) on suitable spotted owl habitat located within a median home range circle that is centered within the demographic support area.

(iii) **Outside of a SOSEA**, harvesting, road construction, or aerial application of pesticides, between March 1 and August 31 on the seventy acres of highest quality suitable spotted owl habitat surrounding a northern spotted owl site center located outside a SOSEA. The highest quality suitable habitat shall be determined by the department in cooperation with the department of fish and wildlife. Consideration shall be given to habitat quality, proximity to the activity center and contiguity.

(iv) **Small parcel northern spotted owl exemption.** Forest practices proposed on the lands owned or controlled by a landowner whose forest land ownership within the SOSEA is less than or equal to 500 acres and where the forest practice is not within 0.7 mile of a northern spotted owl site center shall not be considered to be on lands designated as critical ((wildlife)) habitat (state) for northern spotted owls.

(i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

PERMANENT

(j) Marbled murrelet.

(i) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within an occupied marbled murrelet site.

(ii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat within a marbled murrelet detection area.

(iii) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction within suitable marbled murrelet habitat containing 7 platforms per acre outside a marbled murrelet detection area.

(iv) Harvesting, other than removal of down trees outside of the critical nesting season, or road construction outside a marbled murrelet detection area within a marbled murrelet special landscape and within suitable marbled murrelet habitat with 5 or more platforms per acre.

(v) Harvesting within a 300 foot managed buffer zone adjacent to an occupied marbled murrelet site that results in less than a residual stand stem density of 75 trees per acre greater than 6 inches in dbh; provided that 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches in dbh, where they exist. The primary consideration for the design of managed buffer zone widths and leave tree retention patterns shall be to mediate edge effects. The width of the buffer zone may be reduced in some areas to a minimum of 200 feet and extended to a maximum of 400 feet as long as the average of 300 feet is maintained.

(vi) Except that the following shall not be critical ((wildlife)) habitat (state):

(A) Where a landowner owns less than 500 acres of forest land within 50 miles of saltwater and the land does not contain an occupied marbled murrelet site; or

(B) Where a protocol survey (see WAC 222-12-090(14)) has been conducted and no murrelets were detected. The landowner is then relieved from further survey requirements. However, if an occupied marbled murrelet site is established, this exemption is void.

(2) The following critical habitats (federal) designated by the United States Secretary of the Interior or Commerce, or specific forest practices within those habitats, have been determined to ((not)) have the potential for a substantial impact on the environment((=

Marbled murrelet critical habitat 50 C.F.R. §17.95(b), 61 Fed. Reg. 26256 as a result of provisions of the state's marbled murrelet rule)) and therefore are designated as critical habitats (state) of threatened or endangered species.

(3) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington fish and wildlife commission and/or the United States Secretary of the Interior or Commerce, the department shall after consultation with the department of fish and wildlife, prepare and submit to the board a proposed list of critical ((wildlife)) habitats (state) of threatened or endangered species. This list shall be submitted to the board within ((15)) 30 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered.

Those critical ((wildlife)) habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)((+)).

(4) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior or Commerce which ((do not)) have the potential for a substantial impact on the environment, the department shall, after consultation with the department of fish and wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for ((exclusion from)) inclusion in Class IV - Special forest practices. The department shall submit the list to the board within ((120)) 30 days of the date the United States Secretary of the Interior or Commerce publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats ((excluded)) included by the board ((from)) in Class IV - Special shall be added to the list in subsection (2) of this section. See WAC 222-16-050 (1)(b)((+)).

(5)(a) Except for bald eagles under subsection (1)(a) of this section, the critical ((wildlife)) habitats (state) of threatened and endangered species and specific forest practices designated in subsections (1) and (2) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington fish and wildlife commission and by the United States Secretary of Interior or Commerce.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of fish and wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(6) Regardless of any other provision in this section, forest practices applications shall not be classified as Class IV-Special based on critical ((wildlife)) habitat (state) (WAC 222-16-080((1)) or critical habitat (federal)()) WAC 222-16-050 (1)(b)((+)) for a species, if the forest practices are consistent with one or more of the following ((proposed for protection of the species)):

(a) ((A habitat conservation plan and permit or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. §1536 (b) or 1539 (a); an "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or a "no take letter" or other cooperative or conservation agreement entered

~~into with a federal or state fish and wildlife agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species and that is subject to review under the National Environmental Protection Act, 42 U.S.C. §4321 et seq., or the State Environmental Policy Act, chapter 43.21C RCW, as applicable;)) Documents addressing the needs of the affected species provided such documents have received environmental review with an opportunity for public comment under the National Environmental Policy Act, 42 U.S.C. section 4321 et seq.:~~

(i) A habitat conservation plan and incidental take permit; or an incidental take statement covering such species approved by the Secretary of the Interior or Commerce pursuant to 16 U.S.C. § 1536 (b) or 1539 (a); or

(ii) An "unlisted species agreement" covering such species approved by the U.S. Fish and Wildlife Service or National Marine Fisheries Service; or

(iii) Other conservation agreement entered into with a federal agency pursuant to its statutory authority for fish and wildlife protection that addresses the needs of the affected species; or

(iv) A rule adopted by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service for the conservation of an affected species pursuant to 16 U.S.C. section 1533(d); or

(b) Documents addressing the needs of the affected species so long as they have been reviewed under the State Environmental Policy Act;

(i) A landscape management plan; or

(ii) Another cooperative or conservation agreement entered into with a state resource agency pursuant to its statutory authority for fish and wildlife protection;

~~((A rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d);))~~

(c) A special wildlife management plan (SWMP) developed by the landowner and approved by the department in consultation with the department of fish and wildlife;

(d) A bald eagle management plan approved under WAC 232-12-292;

(e) A landowner option plan (LOP) for northern spotted owls developed pursuant to WAC 222-16-100(1); ~~((or))~~

(f) A cooperative habitat enhancement agreement (CHEA) developed pursuant to WAC 222-16-105; or

(g) A take avoidance plan issued by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service prior to March 20, 2000.

In those situations where one of the options above has been used, forest practices applications may still be classified as Class IV-Special based upon the presence of one or more of the factors listed in WAC 222-16-050(1), other than critical ~~((wildlife))~~ habitat (state) ~~((or critical habitat (federal)))~~ for the species covered by the existing plan.

(7) The department, in consultation with the department of fish and wildlife, shall review each SOSEA to determine whether the goals for that SOSEA are being met through approved plans, permits, statements, letters, or agreements referred to in subsection (6) of this section. Based on the consultation, the department shall recommend to the board the suspension, deletion, modification or reestablishment of the

applicable SOSEA from the rules. The department shall conduct a review for a particular SOSEA upon approval of a landowner option plan, a petition from a landowner in the SOSEA, or under its own initiative.

(8) The department, in consultation with the department of fish and wildlife, shall report annually to the board on the status of the northern spotted owl to determine whether circumstances exist that substantially interfere with meeting the goals of the SOSEAs.

AMENDATORY SECTION (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

WAC 222-16-100 Planning options for the northern spotted owl. (1) **Landowner option plans for the northern spotted owl.** Landowner option plans (LOPs) are intended to provide landowners with a mechanism, entered into voluntarily, to contribute to the protection of northern spotted owls by considering the needs of overall population maintenance or dispersal habitat across a defined geographic area. Forest practices applications that are in an area covered by an LOP, and that are consistent with the LOP, will not be classified as Class IV-Special on the basis of critical ~~((wildlife))~~ habitat (state) or critical habitat (federal) for the northern spotted owl. This does not preclude classification as Class IV-Special because of the presence of other factors listed in WAC 222-16-050(1).

(a) **Required elements of LOPs.** The level of detail to be included in a LOP will depend on the area of ownership involved, the time period for which the plan will be in effect, and the complexity of the management strategy. Nevertheless, each plan shall contain the elements set forth in this subsection.

(i) **Goals and objectives.** The specific goals and objectives for the landowner's contributions proposed under the LOP shall be developed by the landowner and approved by the department in consultation with the department of fish and wildlife based on the following:

(A) Mitigation under the plan must be reasonable and capable of being accomplished;

(B) To the maximum extent practicable, the plan must minimize and mitigate significant adverse impacts caused by, and identified in, the plan on individual northern spotted owl site centers or the ability of the SOSEA to meet SOSEA goals. Specific short (one to five-year) and long (greater than five-year) term goals and objectives for the LOP should be clearly stated, where applicable; and

(C) LOPs should be designed to achieve an appropriate contribution from nonfederal lands toward meeting SOSEA goals and are intended to be an efficient and effective alternative to site-by-site management planning. In Eastern Washington, LOPs must also consider the need to protect the forests from catastrophic loss from wildfire, insects, and diseases.

(ii) **Other required elements:**

(A) A description of the planning area. The LOP planning area shall include a sufficient amount of the landowner's forest land within the SOSEA to meet the goals and objectives of the plan.

(B) A description of the physical features in the planning area (e.g., geology, topography, etc.).

(C) The current habitat status. Suitable spotted owl habitat should be categorized and mapped as old forest, sub-mature, young forest marginal, or dispersal.

(D) The current species status. All status 1, 2, and 3 northern spotted owl site centers and the associated median home range circles that overlap any of the landowner's ownership within the LOP boundary must be mapped.

(E) Management proposals and relevant operations plans.

(F) Projected suitable habitat development.

(G) A plan for training.

(H) A monitoring program.

(I) Reporting standards.

(J) The conditions under which the LOP may be modified.

(K) The term of the LOP and conditions for termination. The term of the LOP shall be sufficient to meet its goals and objectives. The conditions of the LOP run with the land unless the LOP specifies alternative means to achieve the LOP goals and objectives upon mid-term sale or transfer. In addition to any other termination provisions in the LOP, plans may be terminated by mutual agreement of the landowner and the department.

(b) **Approval of LOPs.** Upon receipt of a landowner option plan, the department shall circulate the plan to the department of fish and wildlife, affected Indian tribes, local government entities, other forest landowners in the SOSEA, and the public for a thirty-day review and comment period. The department may extend this review period for up to thirty additional days. Within ninety days of receipt of the plan, the department shall review the comments and approve or disapprove the plan or submit the plan to the landowner to revise as appropriate. The department, after consultation with the department of fish and wildlife, shall approve the plan if:

(i) The plan contains all of the elements required under this section;

(ii) The plan is expected to be effective in meeting its goals and objectives;

(iii) The plan will not have a probable significant adverse impact on the ability of the SOSEA to meet its goals; and

(iv) The plan will not appreciably reduce the likelihood of the survival and recovery of the northern spotted owl in the wild.

In making its determination under this subsection, the department shall consider the direct, indirect, and cumulative effects of the plan; both the short-term and long-term effects of the plan; and whether local, state, or federal land management, regulatory, or nonregulatory requirements will mitigate identified significant adverse impacts. If the department does not approve the plan, or approves it over the objections of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

(c) **Enforcement of LOPs.** The department shall review all applications and notifications from the landowner, proposed within the plan area, for consistency with the plan. Any applications or notifications found to be inconsistent with the plan shall be returned to the landowner for modification.

After landowner review, applications and notifications which are not consistent with the plan shall be classified as Class IV-Special.

(2) See WAC 222-16-105 for CHEAs.

AMENDATORY SECTION (Amending WSR 97-15-105, filed 7/21/97, effective 8/21/97)

WAC 222-16-105 Cooperative habitat enhancement agreements. (1) **Purpose.** A cooperative habitat enhancement agreement (CHEA) is intended to remove disincentives for landowners who create, enhance, or maintain habitat for the northern spotted owl or marbled murrelet by providing them with protection against future spotted owl or marbled murrelet (~~(regulation)~~) rules caused by their enhancement activities. A CHEA is an agreement between the department and a landowner, developed in cooperation with the department of fish and wildlife, for the purpose of creating, enhancing, or maintaining northern spotted owl habitat and/or marbled murrelet habitat. The agreement will apply only to forest land identified by the landowner:

(a) For northern spotted owls, outside of the median home range circles of northern spotted owl site centers in existence at the time of implementation.

(b) For marbled murrelets, any current unoccupied or potential future habitat.

(2) **Authority.** Outside of the median home range circles of northern spotted owls or an occupied marbled murrelet site, the department, in consultation with the department of fish and wildlife, may enter into agreements with nonfederal landowners to create, enhance, or maintain habitat that the northern spotted owl and/or the marbled murrelet can be expected to utilize. During the term of these agreements, forest practices covered by the agreements shall not be classified as Class IV-Special on the basis of critical (~~(wildlife)~~) habitat (state) or critical habitat (federal) for the northern spotted owl or the marbled murrelet. This does not preclude classification as Class IV-Special because of the presence of other factors listed in WAC 222-16-050(1).

(3) **Baseline.**

(a) Each agreement shall identify a baseline level of habitat, and the department shall not permit forest practices that reduce the habitat below the baseline during the term of the agreement.

(b) For northern spotted owls, the baseline may range from zero habitat to the overall levels of suitable spotted owl habitat and dispersal habitat that existed across the land in question at the time the agreement is entered into.

(c) For marbled murrelets, the baseline may range from zero habitat to the overall levels of suitable marbled murrelet habitat that existed across the land in question at the time the agreement is entered into.

(d) The department shall determine, working with the landowner and in consultation with the department of fish and wildlife, the appropriate baseline, taking into consideration:

(i) The size of the landowner's ownership and the ability of the landowner to maintain habitat conditions across the landscape in question over time;

(ii) The overall benefits of the agreement to the northern spotted owl or marbled murrelet including both the proposed measures to create, enhance, or maintain habitat and the proposed baseline levels; and

(iii) The term of the agreement.

(4) Form and content of CHEAs.

(a) The department shall, in consultation with the department of fish and wildlife, have the authority to define the form and content of CHEAs. The form and content may vary among agreements, but each must provide sufficient information for the department, the public, and other reviewers to understand and evaluate the agreement against the standards established under this section.

(b) For northern spotted owls, in addition to the elements required by the department, each agreement shall include a plan to avoid harvesting, road construction, or the aerial application of pesticides, between March 1 and August 31, on the seventy acres of highest quality suitable spotted owl habitat surrounding any known northern spotted owl site centers on lands covered by the agreement.

(5) Approval of a CHEA. Upon receipt of a CHEA, the department shall circulate the agreement to the department of fish and wildlife, affected Indian tribes, local government entities, other forest landowners in the SOSEA (if the CHEA is in a SOSEA), and the public for review and comment. Within sixty days of receipt of the agreement, the department shall review the comments and approve or disapprove the agreement or submit the agreement to the landowner to revise as appropriate. The department, after consultation with the department of fish and wildlife, may approve the agreement if the agreement will create, enhance, or maintain habitat conditions for:

(a) The northern spotted owl in a manner that provides a measurable contribution toward meeting the goals of the SOSEA or a measurable benefit to northern spotted owls outside SOSEAs.

(b) The marbled murrelet in a manner that provides a measurable benefit to the species.

(6) Enforcement of CHEAs. The department shall review all applications and notifications from the landowner, proposed within the agreement area, for consistency with the agreement. Any applications or notifications found to be inconsistent with the agreement shall be returned to the landowner for modification. After landowner review, applications and notifications which are not consistent with the agreement shall be classified based on the rules in effect at the time of application and without any of the benefits of the agreement.

AMENDATORY SECTION (Amending WSR 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-20-010 Applications and notifications—Policy. (1) **No Class II, III or IV forest practices** shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC

222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND ((REGULATIONS)) RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) **The department shall** prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(3) **Except as provided in subpart (4) below, applications and notifications** ((for operations not converting to another use)) shall be signed by the landowner, the timber owner and the operator, or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he/she is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). ~~((Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:~~

(a) ~~The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;~~

(b) ~~The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations; and~~

(c) ~~The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner: Provided, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.))~~

(4) In lieu of a landowner's signature, where the timber rights have been transferred by deed to a perpetual owner who is different from the forest landowner, the owner of perpetual timber rights may sign a forest practices application or notification for operations not converting to another use and the statement of intent not to convert for a set period of time. The holder of perpetual timber rights shall serve the signed forest practices application or notification and the signed statement of intent on the forest landowner. The forest practices application shall not be considered complete until the holder of perpetual timber rights has submitted evidence acceptable to the department that such service has occurred.

(5) Where an application for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (3) of this section, the department shall not approve the application. Applications and notifications for the development or maintenance of utility rights of way shall not be considered to be conversions.

~~((5))~~ **(6) Transfer of the approved application or notification** to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application

PERMANENT

or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new landowner, timber owner, or operator, as applicable, that he/she agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices ~~((regulations))~~ rules as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

~~((6))~~ (7) Applications and notifications must be delivered to the department at the appropriate region office. Delivery should be in person or by registered or certified mail.

~~((7))~~ (8) Applications and notifications shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. A review statement from the U.S. Forest Service that evaluates compliance of the forest practices with the CRGNSA special management area guidelines is necessary information for an application or notification within the CRGNSA special management area. The review statement requirement shall be waived if the applicant can demonstrate the U.S. Forest Service received a complete plan application and failed to act within 45 days. An environmental checklist (WAC 197-11-315) is necessary information for all Class IV applications. A local government entity clearing and/or grading permit is necessary information for all Class IV applications on lands that will be converted to a use other than commercial timber production or on lands which have been platted after January 1, 1960, if the local government entity has jurisdiction and has an ordinance requiring such permit. If a notification or application is delivered in person to the department by the operator or the operator's authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

(9) An operator's name, if known, must be included on any forest practices application or notification. The landowner or timber owner must provide notice of hiring or change of operator to the department within 48 hours. The department shall promptly notify the landowner if the operator is subject to a notice of intent to disapprove under WAC 222-46-070. Once notified, the landowner will not permit the operator, who is subject to a notice of intent to disapprove, to conduct the forest practices specified in the application or notification, or any other forest practices until such notice of intent to disapprove is removed by the department.

(10) Financial assurances may be required by the department prior to the approval of any future forest practices

application or notification to an operator or landowner under the provisions of WAC 222-46-090.

NEW SECTION

WAC 222-20-015 Multiyear permits. (1) Where a watershed analysis has been approved for a WAU under WAC 222-22-080, landowner(s) may apply for a multiyear permit. The information provided and level of detail must be comparable to that required for a two-year permit. At a minimum, the application must include:

(a) A description of the forest practices to be conducted during the period requested for the permit, and a map(s) showing their locations; and

(b) Prescriptions must be identified where operations are proposed within or include areas of resource sensitivity.

(2) A landowner may apply for a multiyear permit to perform road maintenance or abandonment if the landowner has an approved road maintenance and abandonment plan where the schedule for implementing the plan is longer than two years. The information provided and level of detail must be comparable to that required for two-year permits under WAC 222-24-050.

(3) A landowner may apply for a multiyear permit to perform an approved alternate plan.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-20-020 Application time limits. (1) **A properly completed application** shall be approved, conditioned or disapproved within 30 calendar days for Class III and Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV" applications when the department or the lead agency has determined that a detailed environmental statement must be made, the application must be approved, conditioned or disapproved within 60 days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least 10 days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960, or lands to be converted, the applicable time limit shall be no less than 14 business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) **Unless the county** has waived its rights under the act or consents to approval, the department shall not approve an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least 14 business days from the date of transmittal to the county.

(3) **Where a notification** is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices (~~regulations~~) rules, no penalty should be imposed for those operations which occurred prior to the enforcement action: Provided, That no damage to a public resource resulted from such operations, and the operations commenced more than 5 days from receipt by the department of the notification.

(4) **If the department** fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence: Provided, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960, or lands to be converted where the county's right of objection is 14 business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(c) Compliance with the State Environmental Policy Act requires additional time.

(5) **If seasonal field** conditions prevent the department from being able to properly evaluate the application, the department may disapprove the application until field conditions allow for an on-site review.

(6) An application for a multiyear permit must be approved, conditioned or disapproved by the department within 45 days of receiving a complete application.

AMENDATORY SECTION (Amending 98-07-047, filed 3/13/98, effective 5/1/98)

WAC 222-20-040 Approval conditions. (1) **Whenever an approved** application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department 2 business days before the commencement of actual operations.

(2) **All approvals are** subject to any conditions stipulated on the approved application and to any subsequent additional requirements set forth in a stop work order or a notice to comply.

(3) **Local government entity conditions.**

(a) RCW 76.09.240(1) allows a local government entity to exercise limited land use planning or zoning authority on certain types of forest practices. This subsection is designed to ensure that local government entities exercise this authority consistent with chapter 76.09 RCW and the rules in Title 222 WAC. The system provided for in this subsection is optional.

(b) This subsection only applies to Class IV general applications on lands that will be converted to a use other than commercial timber production or to Class IV general applications on lands which have been platted after January 1, 1960.

(c) The department shall transmit the applications to the appropriate local government entity within two business days from the date the department receives the application.

(d) The department shall condition the application consistent with the request of the local government entity if:

(i) The local government entity has adopted a clearing and/or grading ordinance that addresses the items listed in (e) of this subsection and requires a permit;

(ii) The local government entity has issued a permit under the ordinance in (i) that contains the requested conditions; and

(iii) The local government entity has entered into an interagency agreement with the department consistent with WAC 222-50-030 addressing enforcement of forest practices.

(e) The local government entity conditions may only cover:

(i) The location and character of open space and/or vegetative buffers;

(ii) The location and design of roads;

(iii) The retention of trees for bank stabilization, erosion prevention, and/or storm water management; or

(iv) The protection of critical areas designated pursuant to chapter 36.70A RCW.

(f) Local government entity conditions shall be filed with the department within twenty-nine days of the filing of the application with the department or within fourteen business days of the transmittal of the application to the local government entity or one day before the department acts on the application, whichever is later.

(g) The department shall incorporate local government entity conditions consistent with this subsection as conditions of the forest practices approval.

(h) Any exercise of local government entity authority consistent with this subsection shall be considered consistent with the forest practices rules in this chapter.

(4) **Lead agency mitigation measures.**

(a) This subsection is designed to specify procedures for a mitigated DNS process that are consistent with chapters 76.09 and 43.21C RCW and the rules in Title 222 WAC and chapter 197-11 WAC.

(b) This subsection applies to all Class IV applications in which the department is not the lead agency under SEPA. (See WAC 197-11-758.)

(c) The department shall transmit the application to the lead agency within two business days from the date the department receives the application.

(d) The lead agency may specify mitigation measures pursuant to WAC 197-11-350.

(e) The lead agency threshold determination and any mitigation measures must be filed with the department within the later of (i) twenty-nine days of the receipt of the application by the department, (ii) fourteen business days of the transmittal of the application to the lead agency if the lead agency is a local government entity; or (iii) one day before the department acts on the application.

(f) Unless the applicant clarifies or changes the application to include mitigation measures specified by the lead

agency, the department must deny the application or require an EIS. (See WAC 197-11-738.)

(g) If the department does not receive a threshold determination from the lead agency by the time it must act on the application, the department shall deny the application.

(5) CRGNSA special management area.

(a) **Policy.** The states of Oregon and Washington have entered into a Compact preauthorized by Congress to implement the CRGNSA Act, 16 U.S.C. §§544, et seq. chapter 43.97 RCW, 16 U.S.C. §544c. The purposes of the CRGNSA Act are:

(i) To establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and

(ii) To protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1). 16 U.S.C. §544a.

The forest practices rules addressing forest practices in the CRGNSA special management area recognize the intent of Congress and the states expressed in the CRGNSA Act and Compact and the intent of the Washington state legislature in the Forest Practices Act. These rules are designed to recognize the public interest in sound natural resource protection provided by the Act and the Compact, including the protection to public resources, recreation, and scenic beauty. These rules are designed to achieve a comprehensive system of laws and ((regulations)) rules for forest practices in the CRGNSA special management area which avoids unnecessary duplication, provides for interagency input and intergovernmental and tribal coordination and cooperation, considers reasonable land use planning goals contained in the CRGNSA management plan, and fosters cooperation among public resources managers, forest landowners, tribes and the citizens.

(b) The CRGNSA special management area guidelines shall apply to all forest practices within the CRGNSA special management area. Other forest practices rules also apply to these forest practices. To the extent these other rules are inconsistent with the guidelines, the more restrictive requirement controls. To the extent there is an incompatibility between the guidelines and another rule, the guidelines control. Copies of the guidelines can be obtained from the department Southeast and Southwest regional offices and Olympia office, as well as from the Columbia River Gorge commission and the U.S. Forest Service.

(c) The department shall review and consider the U.S. Forest Service review statement and shall consult with the U.S. Forest Service and the Columbia River Gorge commission prior to making any determination on an application or notification within the CRGNSA special management area.

AMENDATORY SECTION (Amending 91-23-052, filed 11/15/91, effective 12/16/91)

WAC 222-20-050 Conversion to nonforest use. (1) If an application to harvest signed by the landowner indicates that within 3 years after completion, the forest land will be converted to a specified active use which is incompatible

with timber growing, the reforestation requirements of these ((regulations)) rules shall not apply and the information relating to reforestation on the application form need not be supplied. However, if such specified active use is not initiated within 3 years after such harvest is completed, the reforestation requirements (See chapter 222-34 WAC) shall apply and such reforestation shall be completed within 1 additional year.

(2) For Class II, III, and IV special forest practices, if a landowner wishes to maintain the option for conversion to a use other than commercial timber operation the landowner may request the appropriate local government entity to approve a conversion option harvest plan. This plan, if approved by the local government entity and followed by the landowner, shall release the landowner from the six-year moratorium on future development, but does not create any other rights. The conversion option harvest plan shall be attached to the application or notification as a condition. Violation of the conversion option harvest plan will result in the reinstatement of the local government entity's right to the six-year moratorium. Reforestation requirements will not be waived in the conversion option harvest plan. Reforestation ((regulations)) rules shall apply at the completion of the harvest operation as required in chapter 222-34 WAC. Nothing herein shall preclude the local government entity from charging a fee to approve such a plan. (See RCW 76.09.060 (3)(b)(i).)

(3) If the application does not state that any land covered by the application will be or is intended to be converted to a specified active use incompatible with commercial timber operations and except as provided in subsection (2) of this section, the local government entity may, for six years after the date of the application, refuse to accept, process, or approve any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land subject to the application. (See RCW 76.09.060 (3)(b)(i).)

NEW SECTION

WAC 222-20-055 Continuing forest land obligations.

Continuing forest land obligations include reforestation, road maintenance and abandonment plans, and harvest strategies on perennial nonfish habitat waters in Eastern Washington.

(1) Prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the Forest Practices Act and rules, the seller must notify the buyer of the existence and nature of such a continuing obligation and the buyer must sign a notice of continuing forest land obligation indicating the buyer's knowledge of the obligations. The notice must be:

- (a) On a form prepared by the department;
- (b) Sent to the department by the seller at the time of sale or transfer of land or perpetual timber rights; and
- (c) Retained by the department.

(2) If the seller fails to notify the buyer about the continuing forest land obligation, the seller must pay the buyer's costs related to continuing forest land obligations, including all legal costs and reasonable attorneys' fees incurred by the

buyer in enforcing the continuing forest land obligation against the seller.

(3) Failure by the seller to send the required notice to the department at the time of sale will be prima facie evidence in an action by the buyer against the seller for costs related to the continuing forest land obligation prior to sale.

AMENDATORY SECTION (Amending Order 263, § 222-20-070, filed 6/16/76)

WAC 222-20-070 Emergency forest practices. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, flood, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice, the operator shall submit an application or notification to the department with an explanation why emergency action was necessary. Such emergency forest practices are subject to these ~~((regulations))~~ rules: Provided, however, That the operator may take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event and: Provided further, The operator shall comply with any requirements of a notice to comply or stop work order as if conducted pursuant to an approved application.

AMENDATORY SECTION (Amending WSR 92-23-056, filed 11/17/92, effective 12/18/92)

WAC 222-20-080 Application and notification expiration. The approval given by the department to an application to conduct a forest practice shall be effective for a term of two years from the date of approval, with the exception of multiyear permits. Multiyear permits are effective for up to five years. The multiyear permit is not renewable if a five-year watershed analysis review is found necessary by the department and has not been completed. A notification is also effective for a term of two years from the date of receipt.

AMENDATORY SECTION (Amending 87-23-036 (Order 535), filed 11/16/87, effective 1/1/88)

WAC 222-20-100 Notice to parks and OAHP. (1) **Notice to parks.** The department shall send to the affected agency, within 2 business days of receipt, a copy of any notification or application for forest practices within 500 feet of the boundary of any park entity registered according to subsection (2) of this section.

(2) **Parks register.** The department shall establish and update every 5 years a parks register listing all publicly owned parks where the affected owner has filed a written request with the department for inclusion on such register. The department shall notify owners of all public parks inventoried on the state comprehensive outdoor recreation plan (SCORP) of the opportunity to register.

(3) **DNR to provide information to OAHP.** The department shall provide the office of archaeology and historic preservation (OAHP) with copies of all applications and noti-

fications for forest practices to be conducted on lands known to contain historic sites or archaeological resources as identified by OAHP.

Chapter 222-21 WAC

SMALL FOREST LANDOWNER FORESTRY RIPARIAN EASEMENT PROGRAM

NEW SECTION

WAC 222-21-005 Policy. The legislature has found that further reduction in harvestable timber owned by small forest landowners as a result of the rules adopted under RCW 76.09.055 or 76.09.370 will further erode small landowners' economic viability and willingness or ability to keep the lands in forestry use and, therefore, reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources. The legislature addressed these concerns by establishing a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

NEW SECTION

WAC 222-21-010 Definitions. The following definitions apply to this chapter:

(1) **"Commercially reasonable harvest unit"** means a harvest area that meets the requirements of WAC 222-21-060.

(2) **"Completion of harvest"** means that the trees have been harvested from an area under an approved forest practices application and that further entry into that area by any type of logging or slash treating equipment or method is not expected.

(3) **"Danger tree"** means any qualifying timber reasonably perceived to pose an imminent danger to life or improved property.

(4) **"Easement premises"** means the geographic area designated in a forestry riparian easement, including the areas in which qualifying timber is located. Easement premises may be categorized as follows:

(a) **Riparian area easement premises** means riparian areas and areas upon which qualifying timber associated with riparian areas are located.

(b) **Other easement premises** means areas of land required to be left unharvested under rules adopted under RCW 76.09.055 or 76.09.370 including areas upon which other qualifying timber outside riparian areas is located and areas of land upon which uneconomic qualifying timber is located.

(5) **"Forestry riparian easement"** means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(6) **"Hazardous substances"** means hazardous substances as defined in RCW 70.102.010(5), and 70.105D-020(7), and solid waste as defined in RCW 70.95.030(22).

(7) **"High impact regulatory threshold"** means the threshold where the value of qualifying timber is greater than 19.1% (for timber in Western Washington) or 12.2% (for timber in Eastern Washington) of the value of the harvested timber and qualifying timber under the approved forest practices application covering the qualifying timber.

(8) **"Qualifying timber"** means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under rules adopted under RCW 76.09.055 or 76.09.370 or that are made uneconomic to harvest by those rules, and for which the small forest landowner is willing to grant the state a forestry riparian easement. Qualifying timber is timber within or bordering a commercially reasonable harvest unit. Qualifying timber is categorized as follows:

(a) **Permanent qualifying timber** includes trees that shall not be harvested or damaged or removed from the easement premises during the term of the easement.

(i) Where permanent qualifying timber is in areas in which no harvest may take place, the easement shall describe the boundaries of the areas. No harvest of any tree within this area shall take place during the term of the easement.

(ii) Where permanent qualifying timber is located in areas in which selective harvest may take place, the permanent qualifying timber must be tagged for the duration of the easement.

(b) **Reserve qualifying timber** includes trees that may be harvested and removed but only in compliance with the terms of the easement. Reserve qualifying timber shall be identified separately from the permanent qualifying timber.

(c) **Replacement qualifying timber** includes trees which, in the future, will be substituted for the reserve qualifying timber before the reserve qualifying timber may be harvested or removed from the property. Replacement qualifying timber will be selected from time to time pursuant to the provisions of the easement and will be subject to the terms and protections of the easement.

(d) **Uneconomic qualifying timber** includes trees made uneconomical to harvest. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(e) **Other qualifying timber outside riparian areas** includes trees that may not be harvested under forest practices rules adopted under RCW 76.09.055 or 76.09.370 for reasons other than protection of riparian functions. It includes without limitation trees that are unharvestable because of public safety concerns. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(9) **"Riparian areas"** include the areas designated in a forestry riparian easement. Riparian areas include without limitation all riparian and other special management zones required by the forest practices rules for protection of aquatic resources and includes associated qualifying timber.

(10) **"Riparian function"** includes bank stability, recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic systems conditions.

(11) **"Small forest landowner"** means a forest landowner meeting all of the characteristics in (a) of this subsection unless any of the exceptions in (b) of this subsection are met.

(a) As of the date a forest practices application is received for which the forestry riparian easement is associated, the forest landowner:

(i) Is an individual, partnership, corporate, or other non-governmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section;

(ii) Has a fee interest in the land and timber or has rights to harvest the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is received;

(iii) Has harvested from its own lands in this state during the three years prior to the year of application an average timber volume that would qualify the forest landowner as a small timber harvester under RCW 84.33.073(1); and

(iv) Certifies at the time the forest practices application is received that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.073(1) during the ten years following receipt of the application.

(b) At the time the forest practices application is received, a forest landowner whose prior three-year average harvest exceeds the limit of RCW 84.33.073(1), or who expects to exceed this limit during the ten years following receipt of the forest practices application, may still qualify as a small forest landowner if that landowner establishes to the small forest landowner office reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses. (Note: The small forest landowner office will establish a board manual governing these exceptions.)

(12) **"Small forest landowner office"** is an office within the department described in RCW 76.13.110, and it shall be a resource and focal point for small landowner concerns and policies and shall have significant expertise regarding the management of small forest holdings and government programs applicable to such holdings, and the forestry riparian easement program.

(13) **"Uneconomic to harvest"** means that a harvest area meets the requirements of WAC 222-21-065.

NEW SECTION

WAC 222-21-020 Criteria for accepting riparian easement. (1) All of the following criteria must be met before the small forest landowner office may acquire a forestry riparian easement:

(a) The easements must include qualifying timber within riparian areas and may include other qualifying timber;

(b) The small forest landowner must be willing to sell or donate such easements to the state;

(c) The small forest landowner has a final, approved forest practices application including qualifying timber on the easement premises;

(d) The small forest landowner has provided a litigation guarantee or similar report from a title company for the property;

(e) Acceptable documents necessary for creation of the easement have been prepared; and

(f) The easement is not subject to unacceptable liabilities in subsection (3) of this section.

(2) Where more than one person has an interest in property to be covered by a forestry riparian easement, all persons holding rights to control or affect the easement premises, qualifying timber, and the riparian functions provided by the qualifying timber during the term of the easement must execute the easement documents or otherwise subordinate their interest to the easement interest being acquired by the state. This includes tenants in common, joint tenants, holder of reversionary interests, lien holders, and mortgages.

(3) Unacceptable liabilities for the state include, but are not limited to, the following:

(a) Potential liability exposure due to the presence of hazardous substances;

(b) Existing uses of the property that may jeopardize the protection of the easement premises, qualifying timber, and riparian functions;

(c) Any other liability where the liability may jeopardize the protection of the easement premises, qualifying timber, and its riparian functions.

NEW SECTION

WAC 222-21-030 Document standards. (1) **Riparian easement.** The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

(This version assumes ownership of land and trees)

FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this ____ day of ____, 20__, by _____ [a _____ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate] having an address at _____ ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

1.0 RECITALS AND PURPOSE

1.1 This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include avoiding the further erosion of the small forest landowners' economic viability and willingness or ability to keep the lands in forestry use which would reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, through the establishment of a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

1.2 This Easement is intended to protect the Qualifying Timber and riparian functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement as set forth in Exhibit B while preserving all lawful uses of the Easement Premises by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 The Easement Premises and Qualifying Timber are located, as described in **Exhibit A**; that the encumbrances, if any, are as set forth in **Exhibit A**; that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

2.0 CONVEYANCE AND CONSIDERATION

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on (month, date, year) [50 years from the date the complete and accurate forest practices application is submitted], which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of _____ dollars (\$____.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

_____ Date: _____

By: _____

GRANTEE:

State of Washington

By and Through the Department of
Natural Resources

_____ Date: _____

(Title)

(insert form of acknowledgement, as appropriate)

EXHIBIT A

A1 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER

The Qualifying Timber includes the following categories of trees located within the Easement Premises:

[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber.] The Qualifying Timber is located as shown in the documentation attached hereto as Attachment A-1.

A2 DESCRIPTION AND LOCATION OF EASEMENT PREMISES

The Easement Premises is *[insert description using the standards developed under Section 504(9)(b) of the Salmon Recovery Act including the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises]* as shown in the documentation attached hereto as Attachment A-2 and is located in *[insert legal subdivision/lot, etc., in which the Easement Premises exists.]*

A3 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER

PERMANENT

The parties agree that the current use, condition of the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-3 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

EXHIBIT B

FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS

B1 DEFINITIONS

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

- "Danger Tree"
- "Easement Premises"
- "Qualifying Timber"
- "Hazard Substances"
- "Riparian Areas"
- "Riparian Function"

B2 RIGHTS OF GRANTEE ***[Subsection B2.4 should be included only for multiple entry Easements.]***

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

B2.1 To enforce the terms of this Easement as provided in subsection **B9**.

B2.2 To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to evaluate Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

B2.3 To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

B2.4 Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.5**.

B3 RESTRICTIONS ON GRANTOR ***[Subsection B3.6 should be included only for multiple entry Easements.]***

B3.1 Inconsistent Uses of Riparian Easement Premises

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber, is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

B3.2 Property Outside the Easement Premises

PERMANENT

Grantor may change its use of the property on which the Easement lies to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the property as a courtesy to Grantee.

B3.3 Qualifying Timber

Grantor shall not engage in any activity which would result in the cutting of Qualifying Timber or the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

B3.4 Danger Trees and Salvage

Grantor may cut a Danger Tree, which shall be left in place within the Easement Premises or moved by Grantor inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

B3.5 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where Replacement Qualifying Timber is required, for review by Grantee. Grantor's thirty (30) days written notice to Grantee is effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber (if required) are marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded.

B3.6 Multiple Entry Easements

Grantor shall not, during the term of this Easement, make multiple entry harvests except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of timber, except that where a permit or approval is required from any government entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark timber to be removed for review by Grantee. Grantor's thirty (30) day written notice to Grantee is effective only after the timber to be removed is marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest. If Grantee does object and gives Grantor notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest until the objection is resolved. Valuation methodology for multiple entry easements shall be in accordance with WAC 222-21-045(3).

B4 RESERVED RIGHTS

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

B5 PUBLIC ACCESS

No right of public access to or across, or any public use of, the Easement Premises or the property on which it lies is conveyed by this Easement.

B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION**B6.1 Costs, Legal Requirements, and General Liabilities**

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

B6.2 Taxes and Obligations

Grantor shall remain responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

B6.3 Hold Harmless**B6.3.a Grantor**

To the extent permitted by law, Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection **B3**; (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

B6.3.b Grantee

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

B7 SUBSEQUENT TRANSFERS**B7.1 Grantee**

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.2 Grantor

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.3 Termination of Grantor's Rights and Obligations

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the property on which the Easement lies or the Qualifying Timber, except that liability under the Easement for acts or omissions occurring prior to transfer shall survive transfer.

B8 DISPUTE RESOLUTION

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

B9 ENFORCEMENT

B9.1 Remedies

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County (subject to venue change under law) to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore Qualifying Timber cut or removed in violation of this Easement or for damages. Grantee may elect to pursue some or all of the remedies provided herein.

B9.1.a Damages and Restoration

If Grantor cuts or removes (or causes another to cut or remove) Qualifying Timber from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, or restoration. Damages for the cutting of Qualifying Timber or the removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement may be up to triple stumpage value times the proportion of the original compensation. The maximum amount of damages shall be calculated according to the following formula:

Where:

Sv = The stumpage value of the Qualifying Timber that is cut or removed from the Easement Premises at the time the damage was done;

C = The compensation paid by the state to the Grantor at the time the Easement became effective;

Vq = The original value of Qualifying Timber at the time the Easement became effective as calculated in WAC 222-21-050.

Maximum Damages = $3 * S_v * (C / V_q)$

In addition the Grantor shall pay interest on the amount of the damages at the maximum interest rate allowable by law.

Grantee's rights to damages under this section shall survive termination. Restoration of Qualifying Timber may include either replanting or replacing trees or both, as determined by Grantee, in its sole discretion, to be appropriate. Replanting shall be by nursery transplant seedlings approved by Grantee with subsequent silvicultural treatment including without limitation weed control and fertilization approved by Grantee. Replacing trees shall be accomplished by designation of replacement trees of the size and species acceptable to Grantee. If replacement trees are designated to replace the Qualifying Timber cut or removed in violation of the terms of this Easement, the designated trees shall be thereafter treated as Qualifying Timber under this Easement.

B9.1.b Injunctive Relief. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement may be inadequate and that Grantee may be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies.

B9.1.c Relationship to Remedies in Other Laws. The remedies provided for in this section are in addition to whatever other remedies the state may have under other laws including without limitation the Forest Practices Act. Nothing in this Easement shall be construed to enlarge, diminish or otherwise alter the authority of the state to administer state law.

B9.2 Costs of Enforcement

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantee unless Grantee prevails in a judicial action to enforce the terms of this Easement, in which case costs shall be borne by Grantor, provided that nothing herein shall make Grantor liable for costs incurred by Grantee in taking enforcement actions pursuant to other state laws.

B9.3 Forbearance/Waiver

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

B9.4 Waiver of Certain Defenses

Grantor hereby waives any defense of laches, estoppel, or prescription.

B9.5 Acts Beyond Grantor's Control

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

B10 CONSTRUCTION AND INTERPRETATION**B10.1 Controlling Law**

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B10.2 Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

B10.3 Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

B11 AMENDMENT

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in a timely fashion in the official records of _____ County, Washington. All amendments shall be consistent with the purposes of this Easement.

B12 TERMINATION

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interest of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination.

B13 EXTINGUISHMENT

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment or eminent domain, if no rule for extinguishment exists.

B14 CONDEMNATION

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

B15 NOTICE

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage pre-paid), addressed as follows:

(a) If to Grantor:

(b) If to Grantee:

Washington State Department of Natural Resources
Small Forest Landowner Office
DNR-Forest Practices Division
P.O. Box 47012
Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

B16 RECORDATION

Grantee shall record this instrument in timely fashion in the official records of _____ County, Washington and may re-record it at any time as may be required to preserve its rights in this Easement.

B17 GENERAL PROVISIONS

B17.1 Severability

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

PERMANENT

B17.2 Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supercedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection B11.

B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the property on which the Easement lies for the term of this Easement set forth in subsection 2.1.

B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any disparity between counterparts produced, the recorded counterpart shall be controlling.

B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 75.20 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

- (a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;
- (b) The small forest landowners' timber tax identification number and permission to access harvest information at the department of revenue;
- (c) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;
- (d) The dates and areas of all planned future harvest entries on the easement premises;

(e) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;

(f) A description of past and current uses of the easement premises;

(g) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of this section is considered part of the baseline documentation.

In addition, the department will provide documentation that includes, but is not limited to:

- (a) Cruise information consistent with the standards and methods in WAC 222-21-040;
- (b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual on procedures for conducting assessment); and
- (c) A description of the easement consistent with WAC 222-21-035.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 222-21-035 Description of easement. The easement premises and qualifying timber must be described as follows:

- (1) Range, township, section, and parcel number;
- (2) Forest practice base map of proposed harvest, other forest practice activities and easement;
- (3) 1:400 map of the easement premises indexed either to (1) legal land survey point or (2) geositional system points; and
- (4) Traverse of the easement premises tied to subsection (3) of this section. (See the board manual section 17 for standards of traverse.)
- (5) Where the department does not have satisfactory access to the easement premises, the landowner must designate the access route on the forest practice application base map.

NEW SECTION

WAC 222-21-040 Timber cruises. (1) This section is designed to establish methods and standards for cruises of qualifying timber for the proposed forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The following standards will be used for the timber cruises:

(a) The purpose of the timber cruise is to determine the volume by species and grade sufficient to value the qualifying timber.

(b) Additional trees left voluntarily by the small forest landowner may be noted, but are not included in the cruise volume.

(c) The cruise method will be a 100 percent inventory of qualifying timber on the proposed easement premises. The inventory will include species, diameter class, grade, and any other information necessary to determine valuation of the easement. (See the board manual for specific cruise standards.)

(d) A sampling cruise method may be used for easement premises under certain circumstances. (See the board manual for standards for sampling cruise method.)

NEW SECTION

WAC 222-21-045 Valuation. (1) This section is designed to establish methods and standards for valuation of forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The small forest landowner office will calculate the fair market value of the forestry riparian easement as of the date of receipt of the forest practices application associated with the qualifying timber. Data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091 will be used and adjusted to the date of receipt of the forest practices application associated with the qualifying timber. The small forest landowner must indicate whether valuation will be calculated using method (a) or (b) of this subsection. In either, the time adjustment index will be based on log price changes. The small forest landowner office will determine the specific log species and/or sorts and the log price reporting service to use after consultation with the small forest landowner advisory committee established under RCW 76.13.110(4) and the department of revenue. The small forest landowner office will generate an index that reflects the time adjustments using information and data obtained from a log price reporting service determined by the department in consultation with the small forest landowner committee.

(a) **Stumpage value determination.** The small forest landowner office will create and maintain value tables to determine stumpage value of the qualifying timber. These tables will be created using a method coordinated with the department of revenue. The values will closely approximate the stumpage value for logs that would be sold in the ordinary course of business for the date of receipt of the forest practices application. The landowner must provide the small forest landowner office with:

(i) The reference for the stumpage value table and any other needed information for use of the table (see the board manual section 17 for details); and

(ii) Any information the small forest landowner would like the department to consider in its cruise and valuation of the qualifying timber.

(b) **Small harvester tax return.** The landowner must provide mill or buyer information to the department on the sale breakdown. This includes:

(i) The volume and scaling bureau log grades of each species harvested;

(ii) The amount received for each species; and

(iii) The actual harvesting and marketing costs as defined in the department of revenue small harvester instructions.

The price received for the timber is adjusted to the date of receipt of the forest practices application using the time adjustment index and then the average logging and hauling cost per MBF is subtracted to arrive at the stumpage value. The value of the qualifying timber is determined by multiplying the time adjusted stumpage value of each species in the harvest unit by the net volume for each corresponding species

in the inventory of qualifying timber. A residual value approach is used to determine the value of species in the easement, which are not present in the harvest area. The prices for species not present in the harvest unit are based on the delivered log price report approved by the small forest landowner office that corresponds closest to the date of the forest practices application, minus the average logging and hauling costs.

(3) Reduced valuation.

(a) For an easement that allows one or more harvests of qualifying timber during the term of the easement, a reduced valuation rate will be applied to the values obtained using either method in subsection (2) of this section. The reduced rate adjusts the values for reserve and replacement qualifying timber. The rate is based on the proportionate economic value lost to the small forest landowner from the regulatory requirements and adjusted for future harvest options during the term of the easement.

(b) The value of the qualifying timber that may be harvested during the term of the easement will be reduced based on the following formula. Variables will include:

- (i) The 29 or more trees in the inner zone;
- (ii) The outer zone leave trees;
- (iii) Other regulatory requirements.

$$\text{Reduced valuation rate} = \frac{1 - \left(\frac{1}{(1 + I)^N} \right)}{1 - \left(\frac{1}{(1 + I)^{50}} \right)}$$

Where:

- I — Is the rate of return on 30 year treasury bills, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all urban consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months less the anticipated rate of growth expected on the portion of the easement subject to reentry, but not less than zero or greater than 6 percent.
- N — The single time limit established by the small forest landowner office.

(c) The reduced rate will not be applied to the department of revenue tax data values if the landowner does not intend to reenter the easement area during the length of the 50 year easement. The harvest at the time of the reentry is not required to meet the requirements in WAC 222-21-060 (5) and (6).

NEW SECTION

WAC 222-21-050 Payment of compensation. (1) The compensation offered to the small forest landowner will be 50% of the fair market value of the qualifying timber established under the process described in WAC 222-21-045, subject to the following exceptions:

(a) If the high impact regulatory threshold is exceeded for an area covered by an approved forest practices application, then the compensation offered will be increased to 100% for the value of the qualifying timber where the high impact regulatory threshold is exceeded. Use the following calculation:

Where:

Vq = value of qualifying timber;

Vh = value of harvested timber;

t = high impact of regulatory threshold (19.1% for Western Washington, 12.2% for Eastern Washington);

TV = total value of all timber covered under FPA = Vq + Vh; and

HIO - high impact override = (Vq/TV)-t;

$$\text{Compensation for easement} = (\text{HIO} * \text{TV}) + \left(\frac{t * \text{TV}}{2} \right)$$

See Section 17 of board manual for example.

(2) All compensation is subject to available funding.

(3) If funding is not available, the small forest landowner office will maintain a priority list for compensation. Priority will be based on (a) date of receipt of forest practice application and (b) date of receipt of completed postharvest questionnaire.

(4) The small forest landowner office will send the small forest landowner a notice of compensation decision within 60 days of completion of the timber cruise.

(5) Compensation will not be paid until:

- (a) The department has documented completion of harvest;
- (b) The department has verified that there has been compliance with the rules requiring leave trees in the easement area;
- (c) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and
- (d) The forestry riparian easement has been executed and delivered to the department.

NEW SECTION

WAC 222-21-060 Commercially reasonable harvest.

The small forest landowner office will use the following criteria to determine if an area covered by a forest practices application involves a commercially reasonable harvest. The proposed harvest must meet all of the following requirements:

- (1) The harvest unit includes or borders a riparian area;

PERMANENT

(2) The application is for a Class III or Class IV Special forest practice or a Class II that is a renewal of a Class III or Class IV Special;

(3) The harvest is not a Class IV General conversion or covered by a conversion option harvest plan;

(4) The landowner is not eligible for the 20 acre exemption under WAC 222-30-023;

(5) The value of the timber in the harvest unit, excluding qualifying timber, is equal to or exceeds the minimum required by department of revenue for taxing purposes (\$1000); and

(6) The taxable harvest equals or exceeds the value of the qualifying timber established under WAC 222-21-045, unless otherwise approved by the small forest landowner office. (See the board manual.)

NEW SECTION

WAC 222-21-065 Uneconomic to harvest. The small forest landowner office will use the following criteria to determine whether timber is qualifying timber because it is rendered uneconomic to harvest by rules adopted under RCW 76.09.055 or 76.09.370. The proposed harvest must meet all of the following requirements:

(1) The timber could have been included in a commercially reasonable harvest unit by the small forest landowner if there were no additional requirements imposed by rules adopted under RCW 76.09.055 or 76.09.370.

(2) The area is not reasonably accessible because of requirements imposed by rules adopted under RCW 76.09.055 or 76.09.370.

(3) The unit must have no reasonable unit size alternative which if used would make the area economical to harvest.

(4) The cost to access the harvest unit plus the cost to harvest must equal or exceed 35% of the stumpage value in the portion of the unit considered to be uneconomic. The small forest landowner office will determine costs and values consistent with WAC 222-21-045. Costs include harvest, construction of nonpermanent roads and/or water crossing structures, and associated expenses. When using the small harvester method to calculate stumpage values and allowable costs, the landowner may include actual timber appraisal and sale layout costs incurred, as part of the cost calculations.

NEW SECTION

WAC 222-21-070 Blowdown and salvage. After execution of a forestry riparian easement, qualifying timber may not be salvaged, including removal of blowdown, without prior written permission from the department. Prior to removal, the small forest landowner office and the small forest landowner must negotiate the terms of removal and reimbursement to the state, if any. Qualifying timber that blows down off the easement premises that presents a nuisance may be moved back onto the easement premises without permission from the department.

NEW SECTION

WAC 222-21-080 Eminent domain. If a forestry riparian easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, the state will receive compensation for its remaining interest in the easement based upon the following formula:

Where:

C - Is the compensation to the department for the state's remaining interest in the easement;

O - Is the original compensation for the easement paid to the small forest landowner by the state;

P - Is the proportion of the forestry riparian easement extinguished or terminated;

CPIo - Is the U.S. Consumer Price Index all urban consumers as published by the Bureau of Labor Statistics for the month in which the original compensation was determined;

CPIc - Is the U.S. Consumer Price Index all urban consumers as published by the Bureau of Labor Statistics for the most recent month available at the time the easement is terminated or extinguished;

I - Is the rate of return on 30 year treasury bonds, as reported by the Federal Reserve Statistical Release H15 less the rate of increase in the Consumer Price Index for all Urban Consumers as published by the U.S. Department of Labor Bureau of Labor Statistics for the previous 12 months;

R - Is the number of years remaining on the easement at the time of extinguishment or termination.

$$C = O * P * (CPIc / CPIo) * (1 - (1 / (1 + I)^R)) / (1 - (1 / (1 + I)^50))$$

NEW SECTION

WAC 222-21-090 Internal department of natural resources review of small forest landowner office compensation decisions. Within 30 days after the date of the notice of compensation decision, the small forest landowner may submit a written request for review to the supervisor of the department or his or her designee. The request for review must identify the issue being raised and provide any supporting documentation. The supervisor will issue a written response within 30 days.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-22-070 Prescription recommendation. *(1) For each WAU for which a watershed analysis is undertaken, the department, or forest land owner acting under WAC 222-22-040(3), shall assemble a team of field managers qualified under WAC 222-22-030(1). The team shall include persons qualified in the disciplines indicated as necessary in ~~((the methodology))~~ watershed analysis methods, and shall generally include persons qualified in:

(a) Forest resource management;

- (b) Forest harvest and road systems engineering;
- (c) Forest hydrology; and
- (d) Fisheries science or management.

Any owner, and any cooperating group of owners, of ten percent or more of the nonfederal forest land acreage in the WAU and any affected Indian tribe shall be entitled to include one qualified individual to participate on the team at its own expense.

* (2) Each forest land owner in a WAU shall have the right to submit to the department or the forest land owner conducting the watershed analysis prescriptions for areas of resource sensitivity on its land. If these prescriptions are received within the time period described in subsection (4) of this section, they shall be considered for inclusion in the watershed analysis.

* (3) For each identified area of resource sensitivity, the field managers' team shall, in consultation with the level 1 and level 2 teams, if any, select and recommend to the department prescriptions. These prescriptions shall be reasonably designed to minimize, or to prevent or avoid, as set forth in table 1 in WAC 222-22-050 (2)(d), the likelihood of adverse change and deliverability that has the potential to cause a material, adverse effect to resource characteristics in accordance with the following:

(a) The prescriptions shall be designed to provide forest land owners and operators with as much flexibility as is reasonably possible while addressing the area of resource sensitivity. The prescriptions should, where appropriate, include, but not be limited to, plans for road abandonment, orphaned roads, and road maintenance and plans for applying prescriptions to recognized land features identified in the WAU as areas of resource sensitivity but not fully mapped;

(b) Restoration opportunities may be included as voluntary prescriptions where appropriate:

(c) Each set of prescriptions shall provide for an option for an alternate plan under WAC 222-12-040, which the applicant shows meets or exceeds the protection provided by the other prescriptions approved for a given area of resource sensitivity; and

~~((e))~~ (d) ~~The ((regulation))~~ rules of forest practices and cumulative effects under this chapter shall not require mitigation for activities or events not regulated under chapter 76.09 RCW. Any hazardous condition subject to forest practices identified in a watershed analysis requiring corrective action shall be referred to the department for consideration under RCW 76.09.300 et seq.

(e) The forests and fish riparian permanent rules, when effective, supersede all existing watershed analysis riparian prescriptions with the exception of riparian management zones for exempt 20-acre parcels, when watershed analysis prescriptions were in effect before January 1, 1999. (See WAC 222-30-021, 222-30-022, and 222-30-023.) No new riparian prescriptions will be written after completion of the riparian management zone assessment report during a watershed analysis.

* (4) The field managers' team shall submit the recommended prescriptions to the department within 30 days of the submission to the department of the level 2 assessment under WAC 222-22-060 or within 21 days of the submission to the

department of the level 1 assessment under WAC 222-22-050.

NEW SECTION

WAC 222-22-075 Monitoring. *In connection with any watershed analysis that is not a revision (WAC 222-22-090(4)), the monitoring module will be required to be completed but implementation of monitoring recommendations would be voluntary unless otherwise required by existing laws and rules, or required by an HCP implementation agreement. Implementation of the monitoring recommendations will be encouraged when needed as part of the statewide effectiveness monitoring program.

NEW SECTION

WAC 222-22-076 *Restoration. Restoration opportunities will also be identified based on the watershed resource assessment. Implementation of restoration opportunities will be voluntary.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-22-080 *Approval of watershed analysis.

(1) Upon receipt of the recommended prescriptions resulting from a level 2 assessment under WAC 222-22-060 or a level 1 assessment under WAC 222-22-050 where a level 2 assessment will not be conducted, the department shall select prescriptions. The department shall circulate the draft watershed analysis to the departments of ecology, fish and wildlife, affected Indian tribes, local government entities, forest land owners in the WAU, and the public for review and comment. The prescriptions recommended by the field managers' team shall be given substantial weight. Within thirty days of receipt of the prescriptions, the department shall review comments, revise the watershed analysis as appropriate, and approve or disapprove the watershed analysis for the WAU.

* (2) The department should notify any governmental agency or Indian tribe having jurisdiction over activities which are not regulated under chapter 76.09 RCW but which are identified in the draft analysis as having a potential for an adverse impact on identified fish, water, and capital improvements of the state or its political subdivisions.

* (3) The department shall approve the draft watershed analysis unless it finds:

(a) For any level 1 assessment or level 2 assessment, that:

(i) The team failed in a material respect to apply the methodology, indices of resource condition, or checklists set forth in the manual; or

(ii) A team meeting the criteria promulgated by the department and using the defined methodologies, indices of resource conditions, and checklists set forth in the manual could not reasonably have come to the conclusions identified in the draft level 1 or level 2 assessment; and

(b) For the prescriptions, that they will not accomplish the purposes and policies of this chapter and of the Forest Practices Act, chapter 76.09 RCW.

(c) In making its findings under this subsection, the department shall take into account its ability to revise assessments under WAC 222-22-090(3).

* (4) If the department does not approve the draft watershed analysis, it shall set forth in writing a detailed explanation of the reasons for its disapproval.

(5) All watershed analyses must be reviewed under SEPA on a nonproject basis. SEPA review may take place concurrently with the public review in subsection (1) of this section. (See WAC 222-10-035.)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-22-090 Use and review of watershed analysis. *(1) Where a watershed analysis has been completed for a WAU under this chapter:

(a) Any landowner within the WAU may apply for a multiyear permit to conduct forest practices according to the watershed analysis prescriptions. This permit is not renewable if a five-year review is found necessary by the department and has not been completed.

(b) Nonmultiyear forest practices applications and notifications submitted to the department shall indicate whether an area of resource sensitivity will be affected and, if so, which prescription the operator, timber owner, or forest land owner shall use in conducting the forest practice in the area of resource sensitivity;

~~((b))~~ (c) The department shall assist operators, timber owners, and forest land owners in obtaining governmental permits required for the prescription (see WAC 222-50-020 and 222-50-030);

~~((c))~~ (d) The department shall confirm that the prescription selected under (a) of this subsection was one of the prescriptions approved for the area of resource sensitivity under WAC 222-22-080 and shall require the use of the prescription; and

~~((d))~~ (e) The department shall not further condition forest practice applications and notifications in an area of resource sensitivity in a WAU where the applicant will use a prescription contained in the watershed analysis nor shall the department further condition forest practice applications and notifications outside an area of resource sensitivity in a WAU, except for reasons other than the watershed processes and fish, water, and capital improvements of the state or its political subdivisions analyzed in the watershed analysis in the WAU, and except to correct mapping errors, misidentification of soils, landforms, vegetation, or stream features, or other similar factual errors.

* (2) Pending completion of a watershed analysis for a WAU, the department shall process forest practices notifications and applications in accordance with the other chapters of this title, except that applications and notifications received for forest practices on a WAU after the date notice is mailed under WAC 222-22-040(4) commencing a watershed analysis on the WAU shall be conditioned to require compliance with interim, draft, and final prescriptions, as available.

Processing and approval of applications and notifications shall not be delayed by reason of review, approval, or appeal of a watershed analysis.

* (3) The board encourages cooperative and voluntary monitoring. Evaluation of resource conditions may be conducted by qualified specialists, analysts, and field managers as determined under WAC 222-22-030. Subsequent watershed analysis and management strategies in response to areas where recovery is not occurring shall be conducted in accordance with this chapter.

* (4) Where the condition of resource characteristics in a WAU are fair or poor, the department shall evaluate the effectiveness of the prescriptions applied under this chapter to the WAU in providing for the protection and recovery of the resource characteristic. If the department finds that the prescriptions are not providing for such protection and recovery over a period of 3 years, the department shall repeat the watershed analysis in the WAU. Aside from the foregoing, once a watershed analysis is completed on a WAU, it shall be revised in whole or in part upon the earliest of the following to occur:

(a) Five years after the date the watershed analysis is final, if necessary;

(b) The occurrence of a natural disaster having a material adverse effect on the resource characteristics of the WAU;

(c) Deterioration in the condition of a resource characteristic in the WAU measured over a 12-month period or no improvement in a resource characteristic in fair or poor condition in the WAU measured over a 12-month period unless the department determines, in cooperation with the departments of ecology, fish and wildlife, affected Indian tribes, forest land owners, and the public, that a longer period is reasonably necessary to allow the prescriptions selected to produce improvement; or

(d) The request of an owner of forest land in the WAU, which wishes to conduct a watershed analysis at its own expense.

Revision of an approved watershed analysis shall be conducted in accordance with the processes, methods, and standards set forth in this chapter, except that the revised watershed analysis shall be conducted only on the areas affected in the case of revisions under (b) or (c) of this subsection, and may be conducted on areas smaller than the entire WAU in the case of revisions under (a) and (d) of this subsection. The areas on which the watershed analysis revision is to be conducted shall be determined by the department and clearly delineated on a map before beginning the assessment revision. Forest practices shall be conditioned under the current watershed analysis pending the completion of any revisions.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-22-100 Application review prior to watershed analysis. *The watershed analysis system established in this chapter is a principal methodology for assessing the effects on fish, water, and capital improvements of the state or its political subdivisions of two or more forest practices. Recognizing that it will not be possible to achieve state-wide implementation of the analysis process for all WAUs for some time, the board hereby establishes certain interim regulatory measures pending watershed analysis on a given WAU. These measures are designed to ensure use of the best

available analysis techniques and existing authorities to protect fish, water, and capital improvements of the state or its political subdivisions.

* (1) The department shall continue to use its implementation and enforcement authority to prevent damage to fish, water, and capital improvements of the state or its political subdivisions. See chapter 222-46 WAC.

~~((a) The department shall continue to concentrate and exercise its authority in implementing the use of existing road construction, maintenance, and abandonment rules where there is evidence of road-related damage to fish, water, and capital improvements of the state or its political subdivisions. The applicable road construction and maintenance rules can be found in chapter 222-24 WAC.~~

~~(b) The department shall report to the board each quarter the results of its road construction, maintenance, and abandonment enforcement program. No later than October 31 of each year, the board shall report on results and recommendations for regulatory change as needed to protect fish, water, and capital improvements of the state or its political subdivisions.))~~

* (2) The department shall condition the size of clearcut harvest applications in the significant rain-on-snow zone where the department determines, using local evidence, that peak flows have resulted in material damages to public resources. The department may prepare conditioning guidelines to assess and condition applications located in a significant rain-on-snow zone.

(a) Each year not later than August 31, the department shall provide a summary report of actions taken under rain-on-snow conditioning or conditioning guidelines to the appropriate board committee.

(b) Such conditioning authority shall expire upon completion of watershed analysis in a WAU.

(c) Nothing in this section shall require a watershed analysis to develop harvest size recommendations.

NEW SECTION

WAC 222-23-010 Policy and definitions. (1) Policy. The legislature determined that it is in the public interest to acquire (by purchase or donation) an interest in lands within unconfined avulsing channel migration zones that are offered for acquisition by the landowner, and therefore established a riparian open space program in RCW 76.09.040 to be administered by the department. The purpose of the acquisition is to provide for ecological protection and fisheries enhancement. The department may acquire either the fee interest in or a permanent conservation easement over such lands. This chapter implements the riparian open space program.

(2) Definitions. As used in this chapter, the following terms shall have the following meanings:

(a) "Qualifying CMZ land(s)." See WAC 222-23-020(1).

(b) An "unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone and are considered a part of

the channel migration zone. The unconfined avulsing channel migration zone does not include areas that are permanently restricted from channel movement by a dike or levee.

(c) An "unconfined avulsing stream" is defined in WAC 222-16-010.

NEW SECTION

WAC 222-23-020 Submitting and processing of applications for the riparian open space program. (1) Qualifying CMZ land(s). Lands that qualify for the riparian open space program are those lands located within an unconfined avulsing channel migration zone and are, as of the date an application is submitted to the department under this section, identified in records of the applicable county assessor as being classified or designated as forest land under chapter 84.33 RCW or as being subject to current use taxation as forest land under chapter 84.34 RCW. Qualifying CMZ lands may be placed in the riparian open space program whether they represent all or just a portion of the lands within the channel migration zone along a particular stream segment. That is, the lands to be placed in the program may include all of a landowner's lands located within the channel migration zone up to the boundary between that zone and the RMZ core area, or lands to be included may include only a portion of a landowner's lands within an unconfined avulsing channel migration zone of a given stream segment. Likewise, where more than one landowner owns land within the channel migration zone of a given stream segment, any landowner may elect to participate in the riparian open space program without regard to participation of neighboring landowners.

Land does not qualify for the riparian open space program where the department has determined that:

(a) The lack of legal access to the land is likely to materially impair the department's ability to administer the riparian open space program with respect to the land;

(b) All persons having an interest of any description in the land, including, but not limited to, joint tenancy, tenancy in common, holder of easement, or holder of lien or security interest, have not agreed to convey or subordinate such interests to the state to the extent deemed necessary by the state to transfer the fee or easement free of or superior to any such interest;

(c) The land is subject to unacceptable liabilities as defined in WAC 222-23-20(4); or

(d) There is any other circumstance making the land unsuitable for fisheries enhancement or ecological protection.

(2) **Application.** An owner or owners of qualifying CMZ lands may apply to the department to place the lands within the riparian open space program. Applications for the riparian open space program may, at the landowners' option, be submitted at the same time as a forest practices application for adjoining or nearby forestlands, or may be submitted separately (and without reference to or the requirement of a current forest practices application). The application for the riparian open space program shall be in writing on a form provided by the department and shall contain the following information:

(a) Name, address, and telephone number of applicant(s);

(b) Contact name and telephone number for questions concerning the application;

(c) Location and description of the land proposed for inclusion in the program, including estimated acreage, a description of the methods used by the landowner to determine that the land is qualifying CMZ land and a map showing the approximate boundary between the channel migration zone and the adjoining RMZ core area (and in situations where the latter is not applicable, a description of the process the landowner used to determine that the qualifying CMZ land is within an unconfined avulsing stream channel migration zone);

(d) Tax parcel identification number(s) that contain the qualifying CMZ land;

(e) List of all persons having any right or interest in the land covered by the application for the riparian open space program and a description of such right or interest;

(f) The stumpage value area and hauling zone in which the qualifying lands lie (see map at WAC 458-40-640).

(g) A map of the qualifying CMZ land;

(h) A statement indicating the landowner's desire to place the land covered by the application within the riparian open space program and whether the landowner wishes to convey the qualifying land in fee or convey only a conservation easement;

(i) Whether the landowner wishes to receive the statutory compensation for the conveyance or wishes to donate the qualifying CMZ land;

(j) Whether the landowner representative submitting the application is aware of the presence of any hazardous substances on the lands;

(k) Description and documentation of the legal and physical access to the land being acquired;

(l) The type of boundary description proposed by landowner (survey or other description); and

(m) Any other information DNR determines is necessary to assess whether the land qualifies for the riparian open space program.

(3) Review and processing of application. Within ninety days of receipt of a complete and accurate application for the riparian open space program, the department shall preliminarily determine (and advise the applicant) whether lands proposed for the riparian open space program appear to meet the requirements of this chapter and of RCW 76.09.040 (3) and (4), and, if so, whether there is funding available for the purchase. This determination is subject to subsequent confirmation of all information required for the program and eligibility of the land as qualifying for the program. If the preliminary determination is that the land qualifies for the program and if funding is available for the proposed purchase, then the following shall occur within the ninety days following notice to the landowner of the preliminary determination:

(a) The landowner, in cooperation with the department, shall delineate on the ground the boundary line between the CMZ and the RMZ core area; following which,

(b) The department shall verify the appropriateness of that delineation, determine the standards for the boundary description (i.e., a survey or other), make a final determina-

tion whether there are any unacceptable liabilities on the lands proposed for inclusion in the program, and communicate the foregoing to the landowner.

If the department determines there are no unacceptable liabilities on the lands, the landowner shall mark the boundary (as verified) using tree tags or other long-term boundary marking methods specified by the department.

(4) Unacceptable liabilities. As used in this section, unacceptable liabilities are created by the presence of hazardous substances on the qualifying CMZ lands or by other condition that creates such a liability to the department that may jeopardize the department's ability to maintain fisheries enhancement or the ecological protection of the qualifying CMZ lands, and with respect to which liability the applicant is unwilling or unable to provide reasonable indemnification to the department. If the department finds unacceptable liabilities with respect to qualifying CMZ lands, the department may reject the landowner's application.

(5) Preparation of conveyance documents. Within ninety days following placement in the field of the long-term boundary between the CMZ and the RMZ core area as provided in subsection (3) of this section, the following shall occur:

(a) The landowner shall:

(i) Traverse the boundary to determine the acreage of the qualifying lands;

(ii) Either perform a legal land survey or otherwise document the boundaries consistent with the requirements of WAC 222-23-030(3), as applicable; and

(iii) Prepare a map of the qualifying CMZ lands suitable for recording.

(b) The department shall:

(i) Conduct and finalize a cruise of the timber on the qualifying CMZ lands;

(ii) Determine the statutory compensation to be paid to the landowner;

(iii) Prepare conveyance documents consistent with this chapter; and

(iv) Prepare any other documents necessary for closing and recording the conveyance, including without limitation a real estate excise tax affidavit.

(6) **Timber cruise.** The timber cruise will be conducted by the department using a cruiser acceptable to the department and the landowner and using generally accepted cruise methodology and sampling intensity acceptable to both parties. The timber cruise shall measure all trees within the lands to be conveyed that contain measurable log volume and develop all information (species and grade) with respect to those trees necessary to apply the stumpage tables developed by the department of revenue pursuant to RCW 84.33.091; this includes volume by species and grade sufficient to apply the department of revenue stumpage tables in WAC 458-40-640, 458-40-650 and 458-40-660 (1) and (2). The department will provide the cruise data to the landowner; within thirty days thereafter, the landowner shall advise the department whether the cruise results are acceptable. The landowner or the department may, at their option, perform a check cruise.

(7) **Compensation for conveyances.** RCW 76.09.-040(3) specifies the compensation the department shall pay for purchases of qualifying CMZ lands, unless the landowner chooses to donate the property in fee or donate a conservation easement.

(a) Fee interests. For conveyances of fee interests, the department shall pay for both the land value and the timber value, as determined in this subsection. The land value component shall be the acreage of qualifying CMZ lands to be conveyed multiplied by the average per acre value of all commercial forest land in Western Washington or the average for Eastern Washington, whichever average is applicable to the qualifying CMZ lands. The department shall determine the Western and Eastern Washington averages based on the land value tables established by RCW 84.33.120 and revised annually by the department of revenue (see WAC 458-40-540). The timber value component of the compensation shall be based on the cruise volume multiplied by the appropriate department of revenue stumpage values from the stumpage value table for the applicable stumpage value area and hauling distance zone. The stumpage value tables to be applied are those found in WAC 458-40-660(2). Except as provided in (c) of this subsection, the tables applied shall be those in effect as of the date the application under this section is submitted to the department by the landowner.

(b) Conservation easements. Conservation easements shall be perpetual and not for a term of years. For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation shall only include the timber value component, determined as set forth in subsection (7)(a) of this section. For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation shall include the timber value component plus such portion of the land value component as determined just and equitable by the department.

(c) Adjustment in compensation. Where the department does not complete its duties as required in subsections (3) through (5) of this section within the required time period or the department is unable to complete the acquisition because of a lack of funds or other reason, the landowner has the option to require that the department recompute the compensation based on the most recently published land value and stumpage value tables.

(8) Alternative management options. In any circumstance where qualifying CMZ lands are not acquired by the department in fee or through a conservation easement, the landowner may elect to develop an alternative management option for the lands in cooperation with the department, other agencies and affected Indian tribes.

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 222-23-025 Priorities for conveyances—Use of lands conveyed. (1) Priorities for conveyances. The legislature recognized, in RCW 77.85.180(4), that the adoption of forest practices rules consistent with the forests and fish

report will impose substantial burdens on forest landowners. The purpose of this program, which will be administered by the department, is to compensate landowners and provide for ecological protection and fisheries enhancement. The department shall prioritize applications under this section based on the following criteria (not in priority order): Order of receipt, ecological value (including importance to salmonids, water quality benefits, quality of habitat, site significance, etc.), and immediacy of need. If funding is or becomes unavailable to consummate a conveyance with respect to otherwise qualifying CMZ lands, the application may (at the landowner's option) be kept on file at the department pending the future availability of funding. The department will consult with representatives of affected Indian tribes, department of fish and wildlife, and department of ecology as necessary for technical expertise. The board will include, in its reports to the legislature required in RCW 76.09.380, a review of this program with recommended amendments, as necessary, to accomplish the goals of this program.

(2) Use and management of lands and easement interests acquired under riparian open space program. Subject to the exceptions set forth in this subsection (or as otherwise provided in the conveyance or easement documents), the lands conveyed or subject to the conservation easements under this chapter shall be managed by the department only in a manner necessary for ecological protection or fisheries enhancement. The conveyance of lands under the riparian open space program shall not create a right of public access to the conveyed lands across adjoining or other lands owned by the landowner conveying property or an easement under the riparian open space program.

(3) Transfer of fee or easement interest or management responsibility. After acquisition of a fee or easement interest in qualifying CMZ lands, the department may transfer its interest in such lands by a recorded instrument to another state agency, a local government within which the lands lie, or a private nonprofit nature conservation corporation (as defined in RCW 64.04.130). Alternatively, the department may contract with one or more of the foregoing entities to exercise the department's management authority over the qualifying CMZ lands. Any such contract will include provisions fully advising the contracting party of the rights of the landowner under this chapter and the conveyance instrument. The department shall notify the landowner of any transfer of its interest in the qualifying CMZ lands or any transfer of management responsibilities over those lands, provided that failure to so notify the landowner shall not affect the validity of the transfer.

NEW SECTION

WAC 222-23-030 Conveyance forms and procedure.

(1) **Fee interest.** Conveyance of a fee interest in qualifying lands shall be by deed with limited warranties. Deeds will include terms reasonably necessary and appropriate to the circumstances of the particular lands involved and shall be in a form acceptable to the department and the landowner. Prior to closing, the landowner shall procure a title report or title history for the lands being conveyed, provided that in the

case of qualifying CMZ land being donated to the department, the department shall pay the cost of the report.

(2) Conservation easement. Conveyances of a conservation easement shall be through execution by the landowner and the department of a conservation easement in a form acceptable to the department and the landowner. The easement will include terms reasonably necessary and appropriate to the circumstances of the particular lands involved. Prior to closing, the landowner shall procure a litigation guarantee or title history from a title company, provided that in the case of an easement being donated to the department, the department shall pay the cost of the guarantee or other report.

(3) Description standards. The description of the qualifying lands being conveyed shall be a legal land survey description or, if a survey is not being performed, the description shall include the township, range, section, and legal subdivision, and utilize a map at a scale of 1:400 indexed either to one legal land survey point or two geospatial system points plus a GPS traverse of the boundary between the CMZ and the RMZ core area, tied to one legal land survey point or two geospatial system points, or other description acceptable to the department.

(4) Closing and recording. Upon execution of the conveyance documents and other documents required for closing, the department shall pay any compensation owed to the landowner and record the conveyance documents. The department shall pay the recording fees. No compensating taxes under chapters 84.33 and 84.34 RCW shall be owed. Any real estate excise tax owed shall be paid by the landowner conveying the property or easement.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-24-010 Policy. *(1) A well designed, located, constructed, and maintained system of forest roads is essential to forest management and protection of the public resources. Riparian areas contain some of the more productive conditions for growing timber, are heavily used by wildlife and provide essential habitat for fish and wildlife and essential functions in the protection of water quality. Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems.

*~~(2) ((All road and landing construction within wetlands shall be conducted so that choices are made in the following descending order of preference:~~

~~(a) Avoid impacts by selecting the least environmentally damaging landing location, road location and road length; or~~

~~(b) Minimize impacts by such things as reducing the sub-grade width, fill acreage and spoil areas; or~~

~~(c) Restore affected areas by removing temporary fills or road sections upon the completion of the project; or~~

~~(d) Reduce or eliminate impacts over time by preserving or maintaining areas; or~~

~~(e) Replace affected areas by creating new wetlands or enhancing existing wetlands.~~

~~*(3) An accurate delineation of wetland boundaries shall not be required under this section except where necessary to~~

~~determine acreage of road or landing construction which fills or drains more than 0.5 acre of a wetland. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long term.~~

~~*(4)) To protect water quality and riparian habitat, roads must be constructed and maintained in a manner that will prevent potential or actual damage to public resources. This will be accomplished by constructing and maintaining roads so as not to result in the delivery of sediment and surface water to any typed water in amounts, at times or by means, that preclude achieving desired fish habitat and water quality by:~~

~~• Providing for fish passage at all life stages (see Washington state department of fish and wildlife hydraulic code Title 220 WAC);~~

~~• Preventing mass wasting;~~

~~• Limiting delivery of sediment and surface runoff to all typed waters; and~~

~~• Avoiding capture and redirection of surface or ground water. This includes retaining streams in their natural drainages and routing subsurface flow captured by roads and road ditches back onto the forest floor;~~

~~• Divert most road runoff to the forest floor;~~

~~• Provide for the passage of some woody debris;~~

~~• Protect stream bank stability;~~

~~• Minimizing the construction of new roads;~~

~~• Assure that there is no net loss of wetland function.~~

~~The road construction and maintenance rules in this chapter must be applied in achieving these goals. Additional guidance is identified in the board manual, section 3. If these goals are not achieved using the rules and the applied guidance, additional management strategies must be employed.~~

~~*(3) Extra protection is required during road construction and maintenance to protect ((these)) public resources and timber growing potential. Landowners and fisheries and wildlife managers are encouraged to cooperate ((to develop)) in the development of road management and abandonment plans. Landowners are further encouraged to cooperate in sharing roads to minimize road mileage and avoid duplicative road construction.~~

~~((*(5))~~ *(4) This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges, stream crossings, quarries, borrow pits, and disposal sites used for forest road construction and is intended to assist landowners in proper road planning, construction and maintenance so as to protect public resources.

(Note: Other laws and ((regulations)) rules and/or permit requirements may apply. See chapter 222-50 WAC.)

NEW SECTION

WAC 222-24-015 Construction in wetlands. *(1) In order to assure that there is no net loss of wetland function, all road and landing construction near or within wetlands must be conducted so that selection of choices are made in the following order with avoidance being the most preferred and replacement being the least preferred alternative:

(a) Avoid impacts by selecting the least environmentally damaging landing location, road location and road length. Landowners must attempt to minimize road length concurrently with the attempt to avoid wetlands; or

(b) Minimize impacts by reducing the subgrade width, fill acreage and spoil areas; or

(c) Restore affected areas by removing temporary fills or road sections upon the completion of the project; or

(d) Reduce or eliminate impacts over time by preserving or maintaining areas; or

(e) Replace affected areas by creating new wetlands or enhancing existing wetlands.

***(2) An accurate delineation** of wetland boundaries will not be required under this section except where necessary to determine acreage of road or landing construction which fills or drains more than (0.1) one tenth acre of a wetland. All such mapping must follow the delineation and mapping standards outlined in the board manual, section 8.

***(3) Approximate determination** of wetland boundaries, following the guidelines in the board manual, shall be required for the purpose of avoidance during design and construction of roads. Landowners must attempt to minimize road length concurrently with the attempt to avoid wetlands. Delineation, following the guidelines in the board manual, shall be required to determine the length of road constructed within a wetland in order to determine acreage when replacement by substitution or enhancement of a wetland is required. The requirement for accurate delineation shall be limited to the area of the wetland proposed to be filled.

***(4) Filling or draining** more than 0.5 acre of a wetland requires replacement by substitution or enhancement of the lost wetland functions. (See the board manual, section 9.) The objective of successful replacement by substitution of lost wetland area will be generally on a two-for-one basis and of the same type and in the same general location. The objective of enhancing wetlands function is to provide for an equivalent amount of function to replace that which is lost. See WAC 222-16-050 (1)(h).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-24-020 Road location and design. (1) **Fit** the road to the topography so that a minimum of alterations to the natural features will occur.

***(2) ((Minimize roads along or within narrow canyons, riparian management zones, wetlands and wetland management zones:**

(a)) Except ((where)) for crossings ((are necessary)), new stream-adjacent parallel roads shall not be located within natural drainage channels, channel migration zones, sensitive sites, equipment limitation zones, and riparian management zones when there would be substantial loss or damage to fish or wildlife habitat unless the department has determined that other alternatives will cause greater damage to public resources. Proposals with new stream-adjacent parallel roads will require an on-site review by an interdisciplinary team. The appropriate federal representative(s) will be invited to attend the interdisciplinary team to determine if the proposal is in compliance with the Endangered Species Act.

((b) ~~Roads shall not be located in wetlands when there would be substantial loss or damage to wetland functions or~~

~~acreage unless the department has determined that alternatives will cause greater damage to public resources.~~

~~(e) Approximate determination of wetland boundaries shall be required for the purpose of avoidance during design and construction of roads. Landowners should attempt to minimize road length concurrently with the attempt to avoid wetlands. Delineation shall be required to determine the length of road constructed within a wetland in order to determine acreage when replacement by substitution or enhancement of a wetland is required. The requirement for accurate delineation shall be limited to the area of the wetland proposed to be filled.))~~

***(3) Roads shall not be constructed in bogs or low nutrient fens.**

***(4) Roads shall not be located in wetlands if there would be substantial loss or damage to wetland functions or acreage, unless the department has determined that alternatives will cause greater damage to public resources.**

***(5) Minimize the number of stream crossings.**

~~((*(4))~~ ***(6) Where stream crossings are necessary:**

(a) Design stream crossings to minimize alterations to natural features;

(b) Locate and design culverts to minimize sediment delivery; and

(c) Whenever practical, cross streams at right angles to the main channel.

~~((*(5))~~ ***(7) Avoid duplicative roads** by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.

~~((*(6) Where feasible, do not locate roads on excessively steep or unstable slopes or known slide prone areas as determined by the department. The department shall determine whether slopes are unstable using available soils information, or from evidence of geologically recent slumps or slides, or where the natural slope exceeds the angle of repose for the particular soil types present, or where springs or seeps may indicate unstable conditions are present in or above the construction site.~~

~~Essential road construction will be accomplished by end hauling, over hauling, or other special road construction techniques unless the department determines there is potential for damage to public resources under WAC 222-16-050 (1)(e).))~~

***(8) All new road construction on side slopes that exceed 60 percent, which have the potential to deliver sediment to any typed water or wetland must utilize full bench construction techniques, including end hauling, over hauling or other special techniques. The department may waive the full bench construction requirement if a site review is conducted and the absence of delivery potential to any typed water or wetlands is determined.**

(9) Use the minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety.

***(10) Subgrade width should average not more than 32 feet for double lane roads and 20 feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts. Where road location**

in wetlands is unavoidable (see WAC 222-24-015 (1)(b)), minimize subgrade width.

(11) Balance excavation and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.

(12) Cut and fill slopes must be designed and constructed in a manner that will assure a high likelihood of remaining stable throughout the life of the road.

*(13) All roads shall be outsloped or ditched on the uphill side and appropriate surface drainage shall be provided by the use of adequate drainage structures such as: Cross drains, ditches, drivable dips, relief culverts, water bars, diversion ditches, or other such structures demonstrated to be equally effective.

*(14) Drainage structures shall not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.

*(15) Relief culverts installed on forest roads shall meet the following minimum specifications: (See the board manual, section 3 for culvert spacing.)

(a) Be at least 18 inches in diameter or equivalent in western Washington and 15 inches in diameter or equivalent in eastern Washington.

(b) Be installed in a manner that efficiently captures ditchline flow and passes it to the outside of the road.

*(16) Ditch diversion. Where roadside ditches slope toward any typed water, or Type A or B Wetland, a ditch relief structure must be located as close to the stream crossing or wetland as possible so it drains off before reaching the stream. On stream-adjacent parallel roads, relief culverts shall be located at maximum distances from stream channels to minimize sediment delivery. The relief structure must allow the sediment to be deposited onto the forest floor and not carry surface water or sediment into the stream channel or wetland.

*(17) Outslope the road surface where practical. Where outsloping is not practical, provide a ditch with drainage structure on the inside of the road, except where roads are constructed in rock or other materials not readily susceptible to erosion.

*(18) Crown or slope the road to prevent the accumulation of water on the road surface.

*(19) Install rock armor headwall inlets on all stream-crossing culverts where the stream gradient above the crossing is greater than 6 percent.

*(20) Install rock armored headwalls and rock armored ditchblocks for drainage structure culverts located on erodible soils or where the affected road has a gradient greater than 6 percent.

*(21) Install drainage structures at locations where seeps and springs are known or discovered during construction to route accumulated surface water across the road prism. The water from the seeps and springs must be returned to the forest floor as close to the point of origin as reasonably practicable.

*(22) The department may require additional information for proposed road construction as part of a complete application, including:

(a) A map with detailed topographic information showing the location and alignment of the road in relation to all typed water and wetlands as required in WAC 222-16-035;

(b) Location, size, alignment and number of water crossing and drainage structures;

(c) Detailed plans for bridges, large culverts or other complex elements of the proposal; and

(d) Other information identified by the department.

NEW SECTION

WAC *222-24-026 Temporary roads. Temporary roads as defined in WAC 222-16-010 shall:

(1) Be constructed in a manner to facilitate closure and abandonment when the intended use is completed.

(2) Be designed to provide the same level of protection for public resources as provided by the rules during the length of its use.

(3) Be identified on the forest practices application or notification, along with an abandonment date. Abandonment must be accomplished under WAC 222-24-052*(3) to the specifications approved by the department by the date specified in the approved forest practices application.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-030 Road construction. (1) **Right of way timber**~~((Merchantable right-of-way timber))~~ shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

~~*(2) ((Debris burial.~~

~~(a)) In permanent road construction, do not bury:~~

~~((+)) (a) Loose stumps, logs or chunks ((containing)) if they will contribute more than 5 cubic feet in the load-bearing portion of the road((, except as puncheon across wetlands or for culvert protection)).~~

~~((+)) (b) Any significant amount of organic debris within the top 2 feet of the load-bearing portion of the road((, except as puncheon across wetlands or for culvert protection)).~~

~~((+)) (c) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill((, except as puncheon across wetlands or for culvert protection)).~~

~~((b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.))~~

(3) **Compact fills.** During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical

compacting agents may be used in accordance with WAC 222-38-020.

*** (4) Stabilize soils.** ~~((When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or sediment may reasonably be expected to enter Type 1, 2, 3 or 4 Water and thereby cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by erosion control measures acceptable to the department. Avoid introduction of nonnative plant species, as listed in the board manual, to wetlands and wetland management zones.))~~ Erodible soil disturbed during road construction and located where it could reasonably be expected to enter the stream network must be seeded with noninvasive plant species. The use of local area native species, adapted for rapid revegetation is preferred. Treatment with other erosion control measures may be approved by the department.

*** (5) Channel clearance.** Within 50 feet upstream from a culvert inlet clear stream channel of all debris and slash generated ((during)) by the operations that reasonably may be expected to plug the culvert prior to the removal of equipment from the vicinity, or the winter season, whichever is first. (See the board manual, section 4 for debris removal guidelines.)

*** (6) Drainage.**

(a) All required ditches ~~((, culverts, cross drains, drainage dips, water bars, and diversion ditches))~~ and drainage structures shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsliping or ~~((cross draining))~~ drainage structures. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation. Water movement within wetlands must be maintained.

*** (7) Moisture conditions.** Construction shall be accomplished when moisture and soil conditions are not likely to result in excessive erosion and/or soil movement, so as to avoid damage to public resources.

*** (8) End haul/sidecasts.** End haul or overhaul construction is required where significant amounts of sidecast material would rest below the ~~((50-year))~~ 100-year flood level of ((a Type 1, 2, 3, or 4)) any typed water, within the boundary of a Type A or Type B Wetland or wetland management zones or where the department determines there is a potential for mass soil failure from overloading on unstable slopes or from erosion of side cast material causing damage to the public resources.

*** (9) Waste disposal.** When spoil, waste and/or other debris is generated during construction, this material shall be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the ~~((50-year))~~ 100-year flood level of ((Type 1, 2, 3, or 4 Waters)) any typed waters or in other suitable locations ((see as)) to prevent damage to public resources. The material shall be stabilized ~~((by erosion control measures as necessary to prevent the material from entering the waters))~~ using the rec-

ommended schedule and procedures found in the board manual, section 3.

(b) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands. (See WAC 222-24-015, Construction in wetlands.)

(10) Disturbance avoidance for northern spotted owls. Road construction, operation of heavy equipment and blasting within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) Disturbance avoidance for marbled murrelets.

(a) Road construction and operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season; and

(b) Blasting shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season.

(c) Provided that, these restrictions shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-24-035 Landing location and construction.

*** (1) Landing location:**

Locate landings to prevent potential or actual damage to public resources. Avoid excessive excavation and filling. Landings shall not be located within natural drainage channels, channel migration zones, RMZ core and inner zones, Type Np RMZs, sensitive sites, equipment limitation zones, and Type A or B Wetlands or their wetland management zones. Minimize placement and size of landings within forested wetlands. ~~((Landings shall not be located in Type A or B Wetlands or their wetland management zones.))~~ (See WAC 222-24-015, Construction in wetlands.)

(2) Landing construction.

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

* (b) Where the ((average general)) slopes exceed ((65)) 60 percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and

mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

* (c) Truck roads, skid trails, and fire trails shall be sloped or cross drained uphill of landings and the water diverted onto the forest floor away from the toe of any landing fill.

* (d) Landings shall be sloped to minimize accumulation of water on the landing.

* (e) Excavation material shall not be sidecast where there is high potential for material to enter ~~((Type A or B Wetlands or))~~ wetland management zones or ~~((below))~~ within the ((ordinary high water mark)) bankfull width of any stream or the ~~((50-year))~~ 100-year flood level of ~~((Type 1, 2, 3, or 4 Water))~~ any typed water.

* (f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands. (See WAC 222-24-015, Construction in wetlands.)

*** (3) Temporary landings.**

(a) A temporary landing is intended for use during the life of an approved application/notification.

(b) It must be constructed to facilitate abandonment when the intended use is complete or upon seasonal shut-down, whichever is sooner.

(c) It must be designed to provide the same level of protection for public resources as provided by the rules during the length of its intended use.

(d) Temporary landings must be identified on the forest practices application or notification, along with an abandonment date.

(e) Temporary landings must be abandoned to the specifications approved by the department by the date specified on the approved forest practices application.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-040 Water crossing structures. * (1) ~~((Bridge construction.))~~ **General provisions for all typed waters.**

In addition to the applicable general provisions below, installation, maintenance and removal of water crossing structures in or across the bankfull width of Type S or F Waters are subject to hydraulic code rules, chapter 220-110 WAC, and require hydraulic project approval (HPA) issued by the department of fish and wildlife. HPAs may be required on Type Ns and Np Waters.

(a) Bridges are required for new crossings ~~((of any Type 1 or 2 Waters))~~ and reconstructed crossings of any typed waters regularly used for recreational boating.

~~((Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the 50-year flood level or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure.))~~ Structures

containing concrete must be sufficiently cured prior to contact with water.

(c) One end of each new or reconstructed permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within 10 vertical feet of the ~~((50-year))~~ 100-year flood level.

~~((Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high water mark of all waters, except when such operations are authorized by a hydraulic project approval.~~

~~((Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.))~~ Alterations or disturbance of the stream bed, bank or bank vegetation must be limited to that necessary to construct the project. All disturbed areas must be stabilized and restored according to the recommended schedule and procedures found in section 3 of the board manual. This requirement may be modified or waived by the department, in consultation with the department of fish and wildlife, if precluded by engineering or safety factors.

~~((f))~~ (e) When earthen materials are used for bridge surfacing, only clean sorted gravel may be used, a geotextile lining must be installed and curbs of sufficient size shall be installed to ~~((be))~~ a height above the surface material ~~((and))~~ to prevent ~~((such))~~ surface material from falling into the stream bed.

(f) Wood removed from the upstream end of culverts and bridges will be placed at the downstream end of such culverts and bridges in such a way as to minimize obstruction of fish passage and to the extent practical while avoiding significant disturbance of sediment, in connection with maintenance activities.

* (2) **Bridges over Type Np and Ns Waters.** In addition to the applicable general provisions above, installation, maintenance, and removal of permanent bridges in or across Type Np and Ns Waters are subject to the following:

(a) Permanent bridges must not constrict clearly defined channels and must be designed and installed to pass the 100-year flood. The bridge and its associated embankments and fills must provide sufficient erosion protection to withstand a 100-year flood event.

(b) Excavation for and placement of the bridge foundation and superstructure must be located and conducted from outside the outer edge of the bankfull width. This requirement may be waived by the department, in consultation with the department of fish and wildlife, if it can be demonstrated that these activities may be conducted in such a manner to prevent damage to public resources.

(c) Earthen embankments constructed for use as bridge approaches must be provided with sufficient erosion protection to withstand a 100-year flood event.

* (3) **Culvert installation for Type Np and Ns Waters.** In addition to applicable general provisions above, installation, maintenance and removal of permanent culverts in or across Type Np and Ns Waters are subject to the following provisions:

(a) All permanent culverts (~~installed in forest roads shall be of a size that is adequate to carry the 50-year flood or the road shall be constructed to provide erosion protection from the 50-year flood waters which exceed the water-carrying capacity of the drainage structure. Refer to "Recommended culvert sizes" in the forest practices board manual for the size of permanent culverts recommended for use in forest roads.~~) must be designed to pass the 100-year flood event with consideration for the passage of debris likely to be encountered.

(b) The culvert and its associated embankments and fills must have sufficient erosion protection to withstand the 100-year flood event. Erosion protection may include armored overflows or the use of clean coarse fill material.

(c) If the department determines that because of unstable slopes the culvert size shown (~~on that table is~~) in the board manual, section 3, "Determining Culvert Size, Method A" would be inadequate to protect public resources, it may require a larger culvert (sizes in accordance with the nomograph (chart) contained in the forest practices board manual or with other) designed using generally accepted engineering principles that meet the standards in (a) and (b) of this subsection.

~~((a))~~ (d) No permanent culverts shall be installed that are smaller than:

(i) ~~(24 inches in diameter or the equivalent for anadromous fish streams or wetlands where anadromous fish are present.~~

(ii) ~~18 inches or the equivalent for resident game fish streams.~~

(iii) ~~18 inches or the equivalent for all other water or wetland crossings in western Washington.~~

(iv) ~~15 inches or the equivalent for all other water or wetland crossings in eastern Washington.~~

~~(b))~~ 24 inches for Type Np Waters.

(ii) 18 inches for Type Ns Waters in western Washington.

(iii) 15 inches for Type Ns Waters in eastern Washington.

(e) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

~~((e) When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.~~

(d) ~~Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.~~

(e) ~~If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.~~

~~(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point shall be protected from erosion by: (i) Reducing the velocity of the water, (ii) use of rock spillways, (iii) riprap, (iv) splash plates, or (v) other methods or structures demonstrated to be equally effective.~~

~~(g))~~ (f) Culverts must be designed and installed so they will not cause scouring of the stream bed and erosion of the banks in the vicinity of the project.

(g) When the department determines that installing a culvert in a flowing stream will result in excessive siltation and

turbidity, and siltation and turbidity would be reduced if stream flow were diverted, the department shall require the stream flow be diverted using a bypass flume or culvert, or by pumping the stream flow around the work area. This may include culvert installations that are within 0.25 miles of a Type S or F Water or within two miles of a hatchery intake in consultation with the department of fish and wildlife.

(h) Fill associated with culvert installation must have sufficient erosion protection to withstand the 100-year flood.

(i) Stream beds shall be cleared for a distance of 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

~~((h))~~ (j) The entrance of all culverts (should) shall have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

~~(*3) Culverts in anadromous fish streams.~~ In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) ~~Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least 6 inches below the natural stream bed at the inlet and outlet.~~

(b) ~~Closed bottom culverts shall not slope more than 1/2 percent; except as provided in (e) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.~~

(e) ~~Where multiple culverts are used, one culvert shall be at least 6 inches lower than the other(s).~~

(d) ~~Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.~~

(e) ~~Closed bottom culverts, set at existing stream gradients between 1/2 percent and 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.~~

(f) ~~The department, after consultation with the department of fish and wildlife, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.~~

~~(g) Any of the requirements in (a) through (f) of this subsection may be superseded by a hydraulic project approval.)~~

* (4) Temporary water crossings in Type Np and Ns Waters. In addition to the applicable general provisions above, installation, maintenance and removal of temporary bridges or other structures in or across Type Np and Ns Waters are subject to the following:

(a) A temporary water crossing is intended for use during the life of an approved application/notification.

(b) It must be constructed to facilitate abandonment when the intended use is complete or upon seasonal shut-down, whichever is sooner.

(c) Temporary water crossings must be identified on the forest practices application or notification, along with an abandonment date.

~~((a))~~ (d) Temporary (bridges and culverts, adequate to carry the highest anticipated flow in lieu of carrying the 50-year flood;) water crossings may be used:

(i) In ~~((the westside region))~~ western Washington if installed after June 1 and removed by September 30 of the same year.

(ii) In ~~((the eastside region))~~ eastern Washington if installed after the spring runoff and removed prior to ~~((the snow buildup which could feed a heavy runoff))~~ October 15th.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal and the extended dates result in equivalent levels of resource protection.

~~((b))~~ (e) Temporary water crossings must be designed to pass the highest peak flow event expected to occur during the length of its intended use.

(f) When the department determines that installing a culvert in a flowing stream will result in excessive siltation and turbidity, and siltation and turbidity would be reduced if stream flow were diverted, the department shall require the stream flow be diverted using a bypass flume or culvert, or by pumping the stream flow around the work area. This may include culvert installations that are within 0.25 miles of a Type S or F Water or within two miles of a hatchery intake, in consultation with the department of fish and wildlife.

(g) Temporary ~~((bridges and culverts))~~ water crossings shall be promptly removed ~~((upon completion of use,))~~ and ~~((the approaches))~~ abandoned to the specifications approved by the department upon completion of use or by the date specified in the approved forest practices application, whichever is earlier. Approaches to the crossing shall be water barred and stabilized at the time of the crossing removal. The department may waive removal of the water crossing if the applicant secures an amended forest practices application, and the structure and its approaches meet all of the requirements of a permanent water crossing structure.

~~((e))~~ (h) Temporary wetland crossings shall be abandoned and restored based on a written plan approved by the department prior to construction.

(i) Temporary water crossings must be designed to provide the same level of protection for public resources as provided by rules during the length of its use.

* (5) Properly prepared and maintained fords may be used in Type Np and Ns Waters during periods of low water ~~((providing a hydraulic permit is acquired)).~~

(a) Entry and exit points for each ford must be located as close to perpendicular along the stream as possible, but will not exceed 100 feet upstream or downstream of each other. Approaches to the ford will not run adjacent to the stream.

(b) Ford locations must be shown on the forest practices application.

(c) Best management practices for construction, maintenance and use will be utilized as appropriate or as required by conditions on the approved forest practices application.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-24-050 *Road maintenance and abandonment. ~~((*(1) Road maintenance and abandonment plan.~~

(a) The landowner when notified by the department shall submit a plan for road maintenance and abandonment for

~~those drainages or road systems the department determines based on physical evidence to have a potential to damage public resources. The plan is subject to annual review and shall include:~~

- ~~(i) Ownership maps showing the road or road system;~~
- ~~(ii) Road status, whether active, inactive, abandoned or planned for abandonment;~~
- ~~(iii) Maintenance schedule and priorities for the year; and~~
- ~~(iv) Plan for further maintenance and reconstruction beyond the current year for repair of extensive damage.~~

~~(b) The plan shall be submitted to the department region office on or before June 30, 1988, and each June 30th thereafter unless the department agrees that no further plans are necessary.~~

~~(e) The department will review the plan annually with the landowner to determine whether it will be effective and is being implemented.~~

~~(d) Such plans shall also be reviewed with departments of ecology, fish and wildlife, and affected Indian tribes, any of whom may request an informal conference with the landowner.~~

~~*(2) Active roads. An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:~~

- ~~(a) Culverts and ditches shall be kept functional.~~
- ~~(b) Road surface shall be maintained as necessary to minimize erosion of the surface and the subgrade.~~
- ~~(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.~~

~~*(3) Inactive roads. An inactive road is a forest road on which commercial hauling is discontinued for 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:~~

~~(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion or interrupt water movement within wetlands; and~~

~~(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he/she knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.~~

~~(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he/she fails to make repairs as directed by a notice to comply.~~

~~*(4) Additional culverts/maintenance. If the department determines based on physical evidence that the above~~

maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

~~*(5) **Abandoned roads.** An abandoned road is a forest road which the forest landowner has abandoned in accordance with procedures of (a) through (c) of this subsection. Roads are exempt from maintenance only after (c) of this subsection is completed:~~

~~(a) Roads are outslopped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands; and~~

~~(b) Ditches are left in a suitable condition to reduce erosion; and~~

~~(c) The road is blocked so that four wheel highway vehicles can not pass the point of closure at the time of abandonment; and~~

~~(d) Bridges, culverts, and fills on all waters are removed, except where the department determines other measures would provide adequate protection to public resources.~~

~~(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it shall within thirty days notify the landowner in writing that the road is officially abandoned.~~

~~*(6) **Brush control.** Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 or 5 Water or Type A or B Wetlands. Refer to WAC 222-38-020 for additional information.~~

~~*(7) **Road surface treatment:**~~

~~(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.951.060(5).~~

~~(b) Water the road surface prior to application of oil to assist in penetration.~~

~~(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.~~

~~(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.~~

~~(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.~~

~~(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.) The goals for road maintenance are established in WAC 222-24-010. All forest roads must be improved and maintained to the standards of this chapter within 15 years of the effective date of these rules. Guidelines for how to meet these goals and standards are in the board manual, section 3. Work performed toward meeting~~

the standards must generally be even flow over the 15-year period with priorities for achieving the most benefit to public resources early in the period. Replacement will not be required for existing culverts functioning with little risk to public resources or for culverts installed under an approved forest practices application or notification if they have been properly maintained and are capable of passing fish, until the end of the culvert's functional life.

NEW SECTION

WAC *222-24-051 Road maintenance schedule. All forest roads must be covered under an approved road maintenance and abandonment plan within 5 years of the effective date of this rule or by December 31, 2005. This includes all roads that were constructed or used for forest practices after 1974. Inventory and assessment of orphan roads must be included in the road maintenance and abandonment plans as specified in WAC 222-24-052(4).

* (1) Landowners with 500 acres or more of forest land in a DNR region must maintain a schedule of submitting plans to the department that cover 20% of their roads or land base each year.

* (2) Landowners with less than 500 acres of forest land in a DNR region must submit with their first forest practice application or notification a road maintenance and abandonment plan covering the roads that will be used by the application. Within one year of the date of submittal of the first forest practices application or notification or before the end of 2005, whichever comes first, the landowner must submit a road maintenance and abandonment plan for the rest of their ownership in that region. Once the plan is approved, the landowner must attach or reference the approved road maintenance and abandonment plan when submitting subsequent applications.

(3) For those portions of their ownership that fall within a watershed administrative unit covered by an approved watershed analysis plan, chapter 222-22 WAC, landowners may follow the watershed administrative unit-road maintenance plan, providing the roads they own are covered by the plan. A proposal to update the road plan to meet the current road maintenance standards must be submitted to the department for review on or before the next scheduled road maintenance plan review. If annual reviews are not required as part of the watershed analysis road plan, the plan must be updated by October 1, 2005. All roads in the planning area must be in compliance with the current rules by the end of calendar year 2015. See the board manual section 3 for road maintenance and abandonment plan outline.

* (4) Plans will be submitted by landowners on a priority basis. Road systems or drainages in which improvement, abandonment or maintenance have the highest potential benefit to the public resource are the highest priority. Based upon a "worst first" principle, work on roads that affect the following are presumed to be the highest priority:

(a) Basins containing, or road systems potentially affecting, waters which either contain a listed threatened or endangered fish species under the federal or state law or a water body listed on the current 303(d) water quality impaired list for road related issues.

(b) Basins containing, or road systems potentially affecting, sensitive geology/soils areas with a history of slope failures.

(c) Road systems or basins where other restoration projects are in progress or may be planned coincident to the implementation of the proposed road plan.

(d) Road systems or basins likely to have the highest use in connection with future forest practices.

*(5) Based upon a "worst first" principle, road maintenance and abandonment plans must pay particular attention to:

(a) Roads that block fish passage;

(b) Roads that deliver sediment to typed water;

(c) Roads with evidence of existing or potential instability that could adversely affect public resources;

(d) Roads or ditchlines that intercept ground water; and

(e) Roads or ditches that deliver surface water to any typed waters.

*(6) Road maintenance and abandonment plans must include:

(a) Ownership maps showing all forest roads, including orphan roads; planned and potential abandonment, all typed water, Type A and B Wetlands that are adjacent to or crossed by roads, stream adjacent parallel roads and an inventory of the existing condition; and

(b) Detailed description of the first years work with a schedule to complete the entire plan within fifteen years; and

(c) Standard practices for routine road maintenance; and

(d) Storm maintenance strategy that includes prestorm planning, emergency maintenance and post storm recovery; and

(e) Inventory and assessment of the risk to public resources or public safety of orphaned roads; and

(f) The landowner or landowner representative's signature.

*(7) Priorities for road maintenance work within plans are:

(a) Removing blockages to fish passage beginning on roads affecting the most habitat first, generally starting at the bottom of the basin and working upstream;

(b) Preventing or limiting sediment delivery (areas where sediment delivery or mass wasting will most likely affect bull trout habitat will be given the highest priority);

(c) Correcting drainage or unstable sidecast in areas where mass wasting could deliver to public resources or threaten public safety;

(d) Disconnecting road drainage from typed waters;

(e) Repairing or maintaining stream-adjacent parallel roads with an emphasis on minimizing or eliminating water and sediment delivery;

(f) Improving hydrologic connectivity by minimizing the interruption of surface water drainage, interception of subsurface water, and pirating of water from one basin to another; and

(g) Repair or maintenance work which can be undertaken with the maximum operational efficiency.

*(8) Initial plans for landowners with 500 acres or more of forest land in a DNR region must be submitted to the department during the year 2001 as scheduled by the department.

*(9) Each year on the anniversary date of the plan's submittal, landowners must report work accomplished for the previous year and submit to the department a detailed description of the upcoming year's work including modifications to the existing work schedule.

The department's review and approval will be conducted in consultation with the department of ecology, the department of fish and wildlife, affected tribes and interested parties. The department will:

(a) Review the progress of the plans annually with the landowner to determine if the plan is being implemented as approved; and

(b) The plan will be reviewed by the department and approved or returned to the applicant with concerns that need to be addressed within forty-five days of the plan's submittal.

(c) Additional plans will be signed by the landowner or the landowner's representative.

*(10) The department will facilitate an annual water resource inventory area (WRIA) meeting with landowners, the department of fish and wildlife, the department of ecology, affected tribes, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, affected counties, local U.S. Forest Service, watershed councils, and other interested parties. The purpose of the meeting is to:

(a) Suggest priorities for road maintenance and abandonment planning; and

(b) Exchange information on road maintenance and stream restoration projects.

*(11) A forest practice application with a detailed one to five year work plan associated with a submitted road maintenance and abandonment plan will be treated as a multiyear permit. The application will be reviewed, approved, conditioned and/or disapproved within 45 days of acceptance. The application will be reviewed in consultation with the department of ecology, department of fish and wildlife, affected tribes and interested parties.

*(12) Regardless of the schedule for plan development, roads that are currently used or proposed to be used for timber hauling must be maintained in a condition that prevents potential or actual damage to public resources. If the department determines that log haul on such a road will cause or has the potential to cause material damage to a public resource, the department may require the applicant to submit a plan to address specific issues or segments on the haul route.

*(13) If a landowner is found to be out of compliance with the work schedule of an approved road maintenance and abandonment plan and the department determines that this work is necessary to prevent potential or actual damage to public resources, then the department will exercise its authority under WAC 222-46-030 (notice to comply) and WAC 222-46-040 (stop work order) to restrict use of the affected road segment.

(a) The landowner may submit a revised maintenance plan for maintenance and abandonment and request permission to use the road for log haul.

(b) The department must approve use of the road if the revised maintenance plan provides protection of the public resource and maintains the overall schedule of maintenance of the road system or basin.

* (14) If a landowner is notified by the department that their road(s) has the potential to damage public resources, the landowner must, within 90 days, submit to the department for review and approval a plan or plans for those drainages or road systems within the area identified by the department.

NEW SECTION

WAC 222-24-052 Road maintenance. *(1) **Forest roads.** Forest roads are defined in WAC 222-16-010. To the extent necessary to prevent potential or actual damage to public resources, the following maintenance shall be conducted on forest roads, except as addressed in subsections *(5) and *(6) of this section:

- (a) Drainage structures shall be kept functional.
- (b) Ground water that has been captured by ditchline must be diverted onto stable portions of the forest floor by using ditchouts, culverts or drivable dips.
- (c) Road surface must be maintained as necessary to:
 - (i) Minimize erosion of the surface and the subgrade; and
 - (ii) Minimize direct delivery of surface water to typed water; and
 - (iii) Minimize sediment entry to typed water; and
 - (iv) Direct any ground water that is captured by the road surface onto stable portions of the forest floor.
- (d) During and on completion of the following operations, the road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills:
 - (i) Log, pulp, chip, or specialized forest product haul;
 - (ii) Rock haul; and
 - (iii) Road building.
- (e) Before the first winter rainy season following termination of operations, drainage structures must be cleared and the road surface must be crowned, outsloped, water barred or otherwise left in a condition which prevents accelerated erosion, interruption of water movement within wetlands, mass wasting, or direct delivery of water or sediment to a typed water. (See the board manual section 3 for specific guidance.)
- (f) Thereafter, except as provided in (d) of this subsection, the landowner must clear or repair ditches or drainage structures that are known or should be known to be nonfunctional and causing or likely to cause material damage to a public resource.

(g) The landowner will not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless the landowner fails to make repairs as directed by a notice to comply.

(h) During the regular course of road maintenance on stream-adjacent parallel roads, down wood that is blocking vehicle passage shall be placed on the side of the road closest to the adjacent water.

*(2) **Additional drainage structure maintenance.** If the department determines, based on a field inspection and physical evidence, that the above road maintenance has been or will be inadequate to protect public resources, and that additional measures will provide adequate protection, the department will require the landowner or operator to install

additional or larger drainage structures or other drainage improvements identified as necessary by the department.

*(3) **Abandoned roads.** An abandoned road is a road which the forest landowner has abandoned in accordance with procedures of (a) through (e) of this subsection. Roads are exempt from maintenance under this section only after (e) of this subsection is completed.

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion and maintain water movement within wetlands and natural drainages;

(b) Ditches are left in a suitable condition to reduce erosion;

(c) The road is blocked so that four wheel highway vehicles cannot pass the point of closure at the time of abandonment;

(d) Water crossing structures and fills on all typed waters are removed, except where the department determines other measures would provide adequate protection to public resources; and

(e) The department shall determine whether the road has been abandoned according to procedures of this subsection. If the department determines the road is properly abandoned, it must notify the landowner in writing within thirty days that the road is officially abandoned.

*(4) **Orphaned roads.** An orphaned road is a road or railroad grade that the forest landowner has not used for forest practices activities since 1974. Many of these roads are overgrown or closed off, but have not satisfied the abandonment process.

(a) An inventory and assessment, of the risk to public resources, or public safety must be completed by the landowner in conjunction with the road maintenance and abandonment plan.

(b) Five years after the effective date of this rule, when the extent of any problems associated with the orphaned roads is known, the hazard-reduction statute will be evaluated to determine if it is still needed and if funds for cost-sharing are needed to effect repair or abandonment of orphan roads. See RCW 76.09.300.

(c) Landowners are not obligated under this rule to repair or abandon such roads before the end of the five year period, but they can voluntarily take this action.

*(5) **Brush control.** Chemical control of roadside brush will be done in accordance with WAC 222-38-020.

*(6) **Road surface treatment.**

(a) Apply oil to the road surface only when the temperature is above 55 degrees F and during the season when there is a minimal chance of rain for the next 48 hours. Use of waste oil is subject to RCW 70.95I.060(5).

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) Dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water when cleaning out chemical storage and application equipment

tanks used for storage and application of road treatment materials.

(f) Comply with WAC 222-38-020 when using dry road chemicals.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-24-060 Rock quarries, gravel pits, borrow pits, and spoil disposal areas. Not covered by the Surface Mine Reclamation Act of 1971 (chapter 78.44 RCW).

***(1) Location of pits.** Except as approved by the department, rock quarries and gravel pits opened after January 1, 1975 shall be located above the ~~((50-year))~~ 100-year flood level.

***(2) Location of spoil disposal areas.** Except as approved by the department, spoil disposal areas shall be located:

(a) Above the ~~((50-year))~~ 100-year flood level.

(b) Where the final slope after disposal will be no steeper than 1 1/2:1.

(c) Where practical, on areas having low potential timber productivity.

(d) Where the risk of sediment delivery from soil erosion and/or mass soil movement is minimal.

(e) All spoils shall be placed to allow drainage without additional water ponding.

(f) All spoils shall be located outside of Type A and Type B Wetlands and their wetland management zones. Spoils shall not be located within the boundaries of forested wetlands without written approval of the department and unless a less environmentally damaging location is unavailable. No spoil area greater than 0.5 acre in size shall be allowed within wetlands. (See WAC 222-24-015.)

***(3) Pit drainage.** During construction and use of rock quarries, gravel pits, or borrow pits, runoff water shall be either diverted onto ~~((the))~~ a stable portion of the forest floor or be passed through one or more settling basins as approved by the department.

***(4) Rehabilitation required.** All rock quarries, gravel pits, spoil disposal areas and borrow pits used after January 1, 1975 shall be reclaimed within 2 years from the time the rock or gravel source is either exhausted or abandoned.

***(5) Rehabilitation standards.** Where rehabilitation is required:

(a) Remove all deleterious material that has potential for damaging the public resource, the soil productivity, or that would prevent reforestation of an otherwise plantable area.

(b) Grade slopes to less than the angle of repose unless otherwise approved.

(c) Reforest in accordance with chapter 222-34 WAC to the extent practical.

(d) Seed ~~((unreforested))~~ nonforested exposed erodible soils with grass, clover or other ground cover.

***(6) Major spoil disposal operations.** Where a spoil disposal operation involves more than 1,000 cubic yards of spoils:

(a) The spoils shall be placed to provide drainage onto a stable portion of the forest floor without water ponding within the disposal area;

(b) The site shall be reforested in accordance with chapter 222-34 WAC to the extent practical; and

(c) If significant erosion of the spoils develops, the eroding areas shall be water barred and any unreforested areas shall be matted, mulched, or seeded with grass or ground cover.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 222-24-025 Road design.

AMENDATORY SECTION (Amending Order 535, filed 11/16/87, effective 1/1/88)

WAC 222-30-030 Stream bank integrity. *In the ~~((riparian management zone along all Type 1, 2 and 3))~~ RMZ core zone for Type S and F Waters and RMZs for Type Np Waters, the operator shall:

(1) **Avoid disturbing brush** and similar understory vegetation;

(2) **Avoid disturbing stumps** and root systems and any logs embedded in the bank;

(3) **Leave high stumps** where necessary to prevent felled and bucked timber from entering the water;

(4) Leave trees which display large root systems embedded in the bank.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-010 Policy—Timber harvesting. ***(1)** This ~~((section))~~ chapter covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, postharvest cleanup, and clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent ~~((practical))~~ practicable, the department shall coordinate ~~((the))~~ activities ~~((on))~~ using a multiple disciplinary planning approach. ~~((The riparian management zone requirements specified in this section are designed to provide protection for water quality and fisheries and wildlife habitat through ensuring present and future supplies of large organic debris for streams, snags, canopy cover, and a multistoried diverse forest adjacent to Type 1, 2 and 3 Waters.))~~

***(2)** The goal of riparian rules is to protect aquatic resources and related habitat to achieve restoration of riparian function; and the maintenance of these resources once they are restored.

***(3)** The rules provide for the conversion and/or treatment of riparian forests which may be understocked, overstocked or uncharacteristically hardwood dominated while maintaining minimum acceptable levels of function on a

landscape scale. The diversity of riparian forests across the landscapes is addressed by tailoring riparian prescriptions to the site productivity and tree community at any site.

*(4) Wetland areas serve several significant functions in addition to timber production: Providing fish and wildlife habitat, protecting water quality, moderating and preserving water quantity. Wetlands may also contain unique or rare ecological systems. The wetland management zone and wetland requirements specified in this ~~((section))~~ chapter are designed to protect these wetland functions when measured over the length of a harvest rotation, although some of the functions may be reduced until the midpoint of the timber rotation cycle. Landowners are encouraged to voluntarily increase wetland acreage and functions over the long-term. Other laws or rules and/or permit requirements may apply. See chapter 222-50 WAC.

~~((Note: Other laws or regulations and/or permit requirements may apply. See chapter 222-50 WAC.))~~

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC *222-30-020 Harvest unit planning and design.

(1) **Logging system.** The logging system should be appropriate for the terrain, soils, and timber type so that yarding or skidding can be economically accomplished and achieve the ecological goals of WAC 222-30-010 (2), (3) and (4) in compliance with these ~~((regulations))~~ rules.

*(2) **Landing locations.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

*(3) **Western Washington riparian management zones.** ~~((These zones shall be measured horizontally from~~

~~the ordinary high water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.~~

~~(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.~~

~~(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.~~

~~(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.~~

PERMANENT

Western Washington Riparian Leave Tree Requirements

Water Type/ Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/Cobble < 10" Diameter	Boulder/Bedrock
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

~~(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife~~

~~trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.~~

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (e) of this subsection.) (See WAC 222-30-021 and 222-30-023.)

*** (4) Eastern Washington riparian management zones.** ((These zones shall be measured horizontally from the ordinary high water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (e) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations:

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting—The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream:

Other harvest types—The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream:

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49-17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (e)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (e) of this subsection. (See WAC 222-16-010 "Partial cutting.") (See WAC 222-30-022 and 222-30-023.)

*** (5) Riparian leave tree areas.** ((The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.)) (See WAC 222-30-021, 222-30-022, and 222-30-023.)

*** (6) Forested wetlands.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) Where riparian associated wetlands are present in the outer zone of a RMZ, trees may be left in the zone to maximize wetland function. See WAC 222-30-021 *(1)(c)(ii).

(d) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

~~((d))~~ (e) Approximate determination of the boundaries of forested wetlands greater than ~~((5))~~ 3 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

~~((e))~~ (f) The department shall consult with the department of fish and wildlife and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

* (7) **Wetland management zones (WMZ).** These zones shall apply to Type A and B Wetlands, as indicated in (a) of this subsection, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual section 8, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

* (a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

Wetland Management Zones

Wetland Type	Acres of Nonforested Wetland	Maximum WMZ Width	Average WMZ Width	Minimum WMZ Width
A (including bogs)	Greater than 5	200 feet	100 feet	50 feet
A (including bogs)	0.5 to 5	100 feet	50 feet	25 feet
A (bogs only)	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	No WMZ required	No WMZ required	

*For bogs, both forested and non-forested acres are included.

PERMANENT

Wetland Management Zones

<u>Wetland Type</u>	<u>Acres of Nonforested Wetland*</u>	<u>Maximum WMZ Width</u>	<u>Average WMZ Width</u>	<u>Minimum WMZ Width</u>
<u>A (including bogs)</u>	<u>Greater than 5</u>	<u>200 feet</u>	<u>100 feet</u>	<u>50 feet</u>
<u>A (including bogs)</u>	<u>0.5 to 5</u>	<u>100 feet</u>	<u>50 feet</u>	<u>25 feet</u>
<u>A (bogs only)</u>	<u>0.25 to 0.5</u>	<u>100 feet</u>	<u>50 feet</u>	<u>25 feet</u>
<u>B</u>	<u>Greater than 5</u>	<u>100 feet</u>	<u>50 feet</u>	<u>25 feet</u>
<u>B</u>	<u>0.5 to 5</u>			<u>25 feet</u>
<u>B</u>	<u>0.25 to 0.5</u>	<u>No WMZ required</u>	<u>No WMZ required</u>	

*For bogs, both forested and nonforested acres are included.

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

* (e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

* (f) When 10% or more of a harvest unit lies within ~~((any combination of))~~ a wetland management zone ~~((or a riparian management zone of Type 1, 2, or 3 Waters))~~ and

either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

***(8) Type A or B Wetlands.** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(d) Harvest shall not be allowed within a Type A Wetland which meets the definition of a bog.

(9) Future productivity. Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) Wildlife habitat. This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of fish and wildlife to identify critical ((wildlife)) habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) Wildlife reserve tree management. In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) For the purposes of this subsection the following defines eastern and western Washington boundaries for wildlife reserve tree management. Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west

along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to the SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to the SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to the SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest boundary,

Thence south along forest boundary to the SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to the SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington,

(b) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of

wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

~~((b))~~ (c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

~~((e))~~ (d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

~~((d))~~ (e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

~~((e))~~ (f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree, which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in ~~((d))~~ (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

*(12) Channel migration zones. No harvest, construction or salvage will be permitted within the boundaries of a channel migration zone except for the construction and maintenance of road crossings in accordance with applicable rules and the creation and use of yarding corridors consistent with WAC 222-24-020(6), 222-30-060(1), 222-30-045(2), and chapter 220-110 WAC (Hydraulic code rules).

(13) Bankfull width. No harvest or construction will be permitted within the bankfull width of any Type S or F Water or any buffered length of Type Np Water, except for the con-

struction and maintenance of road crossings in accordance with applicable rules and creation and use of yarding corridors consistent with WAC 222-30-020 *(5)(a), 222-24-060(1), and chapter 220-110 WAC (Hydraulic code rules). No salvage may take place within the bankfull width of any typed water (see WAC 222-30-045).

NEW SECTION

WAC *222-30-021 Western Washington riparian management zones. These rules apply to all typed waters on forest land in Western Washington, except as provided in WAC 222-30-023. RMZs are measured horizontally from the outer edge of the bankfull width or channel migration zone, whichever is greater, and extend to the limits as described in this section. See the board manual section 7 for riparian design and layout guidelines.

***(1) Western Washington RMZs for Type S and F Waters** have three zones: The core zone is nearest to the water, the inner zone is the middle zone, and the outer zone is furthest from the water. (See definitions in WAC 222-16-010.) RMZ dimensions vary depending on the site class of the land, the management harvest option, and the bankfull width of the stream. See tables for management options 1 and 2 below.

None of the limitations on harvest in each of the three zones listed below will preclude or limit the construction and maintenance of roads for the purpose of crossing streams in WAC 222-24-030 and 222-24-050, or the creation and use of yarding corridors in WAC 222-30-060(1).

The shade requirements in WAC 222-30-040 must be met regardless of harvest opportunities provided in the inner zone RMZ rules. See the board manual section 1.

(a) **Core zones.** No timber harvest or construction is allowed in the core zone except operations related to forest roads as detailed in subsection (1) of this section. Any trees cut for or damaged by yarding corridors in the core zone must be left on the site. Any trees cut as a result of road construction to cross a stream may be removed from the site, unless used as part of a large woody debris placement strategy or as needed to reach stand requirements.

(b) **Inner zones.** Forest practices in the inner zone must be conducted in such a way as to meet or exceed stand requirements to achieve the goal in WAC 222-30-010(2). The width of the inner zone is determined by site class, bankfull width, and management option. Timber harvest in this zone must be consistent with the stand requirements in order to reach the desired future condition targets.

"Stand requirement" means a number of trees per acre, the basal area and the proportion of conifer in the combined inner zone and adjacent core zone so that the growth of the trees would meet desired future conditions. The following table defines basal area targets when the stand is 140 years old.

Site Class	Desired future condition target basal area per acre (at 140 years)
I	285 sq. ft.
II	275 sq. ft.

PERMANENT

Site Class	Desired future condition target basal area per acre (at 140 years)
III	258 sq. ft.
IV	224 sq. ft.
V	190 sq. ft.

Growth modeling is necessary to calculate whether a particular stand meets stand requirement and is on a trajectory towards these desired future condition basal area target. The appropriate growth model will be based on stand characteristics and will include at a minimum, the following components: The number of trees by diameter class, the percent of conifer and hardwood, and the age of the stand. See the board manual section 7.

(i) **Hardwood conversion in the inner zone.** When the existing stands in the combined core and inner zone do not meet stand requirements, no harvest is permitted in the inner zone, except in connection with hardwood conversion.

(A) The landowner may elect to convert hardwood-dominated stands in the **inner zone** to conifer-dominated stands. Harvesting and replanting shall be in accordance with the following limits:

(I) Conversion activities in the **inner zone** of any harvest unit are only allowed where all of the following are present:

- Existing stands in the combined core and inner zone do not meet stand requirements (WAC 222-30-021 (1)(b));
- There are fewer than 57 conifer trees per acre 8 inches or larger dbh in the conversion area;
- There are fewer than 100 conifer trees per acre larger than 4 inches dbh in the conversion area;
- There is evidence (such as conifer stumps, historical photos, or a conifer understory) that the conversion area can be successfully reforested with conifer and support the development of conifer stands;
- The landowner owns 500 feet above and below the harvest unit;
- The core and inner zones contain no stream adjacent parallel roads;
- Riparian areas contiguous to the proposed harvest unit are owned by the landowner proposing to conduct the conversion activities, and meet shade requirements of WAC 222-30-040 or have a 75-foot buffer with trees at least 40 feet tall on both sides of the stream for 500 feet above and below the proposed harvest unit (or the length of the stream, if less);
- The landowner has performed post-harvest treatment to the satisfaction of the department on previously converted hardwood-dominated stands.

(II) In addition to the conditions set forth above, permitted conversion activities in the **inner zone** of any harvest unit are limited by the following:

- Each continuous conversion area is not more than 500 feet in length; two conversion areas will be considered "continuous" unless the no-harvest area separating the two conversion areas is at least half the length of the larger of the two conversion areas.
- Type S and F (Type 1, 2, or 3) Water: Up to 50% of the inner zone area of the harvest unit on one side of the stream may be converted provided that:

- ◆ The landowner owns the opposite side of the stream and the landowner's riparian area on the opposite bank meets the shade requirements of WAC 222-30-040 or has a 75-foot buffer of trees at least 40 feet tall or:

- ◆ The landowner does not own land on the opposite side of the stream but the riparian area on the opposite bank meets the shade requirements of WAC 222-30-040 or has a 75-foot buffer of trees at least 40 feet tall.

- Not more than 25% of the inner zone of the harvest unit on both sides of a Type S or F Water may be converted if the landowner owns both sides.

(III) Where conversion is allowed in the **inner zone**, trees within the conversion area may be harvested except that:

- Conifer trees larger than 20 inches dbh shall not be harvested;
- Not more than 10% of the conifer stems greater than 8 inches dbh, exclusive of the conifer noted above, within the conversion area may be harvested; and

- The landowner must exercise reasonable care in the conduct of harvest activities to minimize damage to all residual conifer trees within the conversion area including conifer trees less than 8 inches dbh.

(IV) Following harvest in conversion areas, the landowner must:

- Reforest the conversion area with **conifer** tree species suitable to the site in accordance with the requirements of WAC 222-34-010; and
- Conduct post-harvest treatment of the site until the conifer trees necessary to meet acceptable stocking levels in WAC 222-34-010(2) have crowns above the brush or until the conversion area contains a minimum of 150 conifer trees greater than 8 inches dbh per acre.

- Notify the department in writing within three years of the approval of the forest practices application for hardwood conversion, if the hardwood conversion has been completed.

(V) **Tracking hardwood conversion.** The purpose of tracking hardwood conversion is to determine if hardwood conversion is resulting in adequate enhancement of riparian functions toward the desired future condition while minimizing the short term impacts on functions. The department will use existing or updated data bases developed in cooperation with the Washington Hardwoods Commission to identify watershed administrative units (WAUs) with a high percentage of hardwood-dominated riparian areas and, thus have the potential for excessive hardwood conversion under these rules. The department will track the rate of conversion of hardwoods in the riparian zone: (1) Through the application process on an annual basis; and (2) at a WAU scale on a biennial basis as per WAC 222-30-120 through the adaptive management process which will develop thresholds of impact for hardwood conversion at the watershed scale.

(ii) **Harvest options.**

(A) No inner zone management. When the existing stands in the combined core and inner zone do not meet stand requirements, no harvest is permitted in the inner zone. When no harvest is permitted in the inner zone or the landowner chooses not to enter the inner zone, the width of core, inner and outer zones are as provided in the following table:

PERMANENT

No inner zone management RMZ widths for Western Washington

Site Class	RMZ width	Core zone width (measured from outer edge of bankfull width or outer edge of CMZ of water)	Inner zone width (measured from outer edge of core zone)		Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width >10'	stream width ≤10'	stream width >10'
			I	200'	50'	83'
II	170'	50'	63'	78'	57'	42'
III	140'	50'	43'	55'	47'	35'
IV	110'	50'	23'	33'	37'	27'
V	90'	50'	10'	18'	30'	22'

(B) Inner zone management. If trees can be harvested and removed from the inner zone because of surplus basal area consistent with the stand requirement, the harvest and removal of the trees must be undertaken consistent with one of two options:

(I) **Option 1. Thinning from below.** The objective of thinning is to distribute stand requirement trees in such a way as to shorten the time required to meet large wood, fish habitat and water quality needs. This is achieved by increasing the potential for leave trees to grow larger than they otherwise would without thinning. Thinning harvest under option 1 must comply with the following:

- Residual trees left in the combined core and inner zones must meet stand requirements necessary to be on a trajectory

to desired future condition. See board manual section 7 for guidelines.

- Thinning must be from below, meaning the smallest dbh trees are selected for harvest first, then progressing to successively larger diameters.

- Thinning cannot decrease the proportion of conifer in the stand.

- Shade retention to meet the shade rule must be confirmed by the landowner for any harvest inside of 75 feet from the outer edge of bankfull width or outer edge of CMZ, whichever is greater.

- The number of residual conifer trees per acre in the inner zone will equal or exceed 57.

Option 1. Thinning from below.

Site class	RMZ width	Core zone width (measured from outer edge of bankfull width or outer edge of CMZ of water)	Inner zone width (measured from outer edge of core zone)		Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width >10'	stream width ≤10'	stream width >10'
			I	200'	50'	83'
II	170'	50'	63'	78'	57'	42'
III	140'	50'	43'	55'	47'	35'
IV	110'	50'	23'	33'	37'	27'
V	90'	50'	10'	18'	30'	22'

(II) **Option 2. Leaving trees closest to the water.** Management option 2 applies only to riparian management zones for site class I, II, and III on streams that are less than or equal to 10 feet wide and RMZs in site class I and II for streams greater than 10 feet wide. Harvest must comply with the following:

- Harvest is not permitted within 30 feet of the core zone for streams less than or equal to 10 feet wide and harvest is not permitted within 50 feet of the core zone for streams greater than 10 feet wide;

- Residual leave trees in the combined core and inner zone must meet stand requirements necessary to be on a trajectory to desired future condition. See board manual section 7 for calculating stand requirements;

- A minimum of 20 conifers per acre, with a minimum 12-inch dbh, will be retained in any portion of the inner zone where harvest occurs. These riparian leave trees will not be counted or considered towards meeting applicable stand requirements nor can the number be reduced below 20 for any reason.

- Trees are selected for harvest starting from the outer most portion of the inner zone first then progressively closer to the stream.

- If (II) of this subsection results in surplus basal area per the stand requirement, the landowner may take credit for the surplus by harvesting additional riparian leave trees required to be left in the adjacent outer zone on a basal area-for-basal area basis. The number of leave trees in the outer zone can be reduced only to a minimum of 10 trees per acre.

PERMANENT

Option 2. Leaving trees closest to water.

Site class	RMZ width	Core zone width (measured from outer edge of bankfull width or outer edge of CMZ of water)	Inner zone width				Outer zone width (measured from outer edge of inner zone)	
			stream width ≤10'	stream width ≤10'	stream width >10'	stream width >10'	stream width ≤10'	stream width >10'
				minimum floor distance		minimum floor distance		
			(measured from outer edge of core zone)					
I	200'	50'	84'	30'	84'	50'	66'	66'
II	170'	50'	64'	30'	70'	50'	56'	50'
III	140'	50'	44'	30'	**	**	46'	**

**Option 2 for site class III on streams >10' is not permitted because of the minimum floor (100') constraint.

(iii) **Where the basal area components of the stand requirement cannot be met** within the sum of the areas in the inner and core zone due to the presence of a stream-adjacent parallel road in the inner or core zone, a determination must be made of the approximate basal area that would have been present in the inner and core zones if the road was not occupying space in the core or inner zone and the shortfall in the basal area component of the stand requirement. See definition of "stream-adjacent parallel road" in WAC 222-16-010.

(A) Trees containing basal area equal to the amount determined in (iii) of this subsection will be left elsewhere in the inner or outer zone, or if the zones contain insufficient riparian leave trees, substitute riparian leave trees will be left within the RMZ width of other Type S or F Waters in the same unit or along Type Np or Ns Waters in the same unit in addition to all other RMZ requirements on those same Type S, F, Np or Ns Waters.

(B) When the stream-adjacent road basal area calculated in (iii) of this subsection results in an excess in basal area (above stand requirement) then the landowner may receive credit for such excess which can be applied on a basal area-by-basal area basis against the landowner's obligation to leave trees in the outer zone of the RMZ of such stream or other waters within the same unit, provided that the number of trees per acre in the outer zone is not reduced to less than 10 trees per acre.

(C) When the basal area requirement cannot be met, as explained in (iii) of this subsection, the shortfall may be reduced through the implementation of an acceptable large woody debris placement plan. See board manual section 26 for guidelines.

(iv) If a harvest operation includes both yarding and harvest activities within the RMZ, all calculations of basal area for stand requirements will be determined as if the yarding corridors were constructed prior to any other harvest activities. If trees cut or damaged by yarding are taken from excess basal area, these trees may be removed from the inner zone. Trees cut or damaged by yarding in a unit which does not meet the basal area target of the stand requirements cannot be

removed from the inner zone. Any trees cut or damaged by yarding in the core zone may not be removed.

(c) **Outer zones.** Timber harvest in the outer zone must leave 20 riparian leave trees per acre after harvest. "**Outer zone riparian leave trees**" are trees that must be left after harvest in the outer zone in Western Washington. Riparian leave trees must be left uncut throughout all future harvests:

Outer zone riparian leave tree requirements

Application	Leave tree spacing	Tree species	Minimum dbh required
Outer zone	Dispersed	Conifer	12" dbh or greater
Outer zone	Clumped	Conifer	12" dbh or greater
Protection of sensitive features	Clumped	Trees representative of the overstory including both hardwood and conifer	8" dbh or greater

The 20 riparian leave trees to be left can be reduced in number under the circumstances delineated in (c)(iv) of this subsection. The riparian leave trees must be left on the landscape according to one of the following two strategies. A third strategy is available to landowners who agree to a LWD placement plan.

(i) **Dispersal strategy.** Riparian leave trees, which means conifer species with a diameter measured at breast height (dbh) of 12 inches or greater, must be left dispersed approximately evenly throughout the outer zone. If riparian leave trees of 12" dbh or greater are not available, then the next largest conifers must be left. If conifers are not present, riparian leave trees must be left according to the clumping strategy in subsection (ii) below.

(ii) **Clumping strategy.** Riparian leave trees must be left clumped in the following way:

(A) Clump trees in or around one or more of the following **sensitive features** to the extent available within the outer zone. When clumping around sensitive features, riparian leave trees must be 8 inches dbh or greater and representative of the overstory canopy trees in or around the sensitive fea-

PERMANENT

ture and may include both hardwood and conifer species. Sensitive features are:

- (I) Seeps and springs;
- (II) Forested wetlands;
- (III) Topographic locations (and orientation) from which leave trees currently on the site will be delivered to the water;
- (IV) Areas where riparian leave trees may provide windthrow protection;
- (V) Small unstable, or potentially unstable, slopes not of sufficient area to be detected by other site evaluations. See WAC 222-16-050 (1)(d).

(VI) Archeological or historical sites registered with the Washington state office of archeology and historic preservation. See WAC 222-16-050 (1)(g); or

(VII) Sites containing evidence of Native American cairns, graves or glyptic records. See WAC 222-16-050 (1)(f).

(B) If sensitive features are not present, then clumps must be well distributed throughout the outer zone and the leave trees must be of conifer species with a dbh of 12 inches or greater. When placing clumps, the applicant will consider operational and biological concerns. Tree counts must be satisfied regardless of the presence of stream-adjacent parallel roads in the outer zone.

(iii) **Large woody debris in-channel placement strategy.** A landowner may design a LWD placement plan in cooperation with the department of fish and wildlife. The plan must be consistent with guidelines in the board manual section 26. The landowner may reduce the number of trees required to be left in the outer zone to the extent provided in the approved LWD placement plan. Reduction of trees in the outer zone must not go below a minimum of 10 trees per acre. If this strategy is chosen, a complete forest practices application must include a copy of the WDFW approved hydraulics project approval (HPA) permit.

(iv) **Twenty riparian leave trees must be left after harvest** with the exception of the following:

- (A) If a landowner agrees to implement a placement strategy, see (iii) of this subsection.
- (B) If trees are left in an associated channel migration zone, the landowner may reduce the number of trees required to be left according to the following:
 - (I) Offsets will be measured on a basal area-for-basal area basis.
 - (II) Conifer in a CMZ equal to or greater than 6" dbh will offset conifer in the outer zone at a one-to-one ratio.
 - (III) Hardwood in a CMZ equal to or greater than 10" dbh will offset hardwood in the outer zone at a one-to-one ratio.
 - (IV) Hardwood in a CMZ equal to or greater than 10" dbh will offset conifer in the outer zone at a three-to-one ratio.

***(2) Western Washington protection for Type Np and Ns Waters.**

(a) An **equipment limitation zone** is a 30-foot wide zone measured horizontally from the outer edge of the bankfull width of a Type Np or Ns Water where equipment use and other forest practices that are specifically limited by these rules. It applies to all perennial and seasonal streams.

(i) On-site mitigation is required if any of the following activities exposes the soil on more than 10% of the surface area of the zone:

- (A) Ground based equipment;
- (B) Skid trails;
- (C) Stream crossings (other than existing roads); or
- (D) Cabled logs that are partially suspended.

(ii) Mitigation must be designed to replace the equivalent of lost functions especially prevention of sediment delivery. Examples include water bars, grass seeding, mulching, etc.

(iii) Nothing in this subsection (2) reduces or eliminates the department's authority to prevent actual or potential material damage to public resources under WAC 222-46-030 or 222-46-040 or any related authority to condition forest practices notifications or applications.

(b) **Sensitive site and RMZs protection along Type Np Waters.** Forest practices must be conducted to protect Type Np RMZs and sensitive sites as detailed below:

(i) A 50-foot, no-harvest buffer, measured horizontally from the outer edge of bankfull width, will be established along each side of the Type Np Water as follows:

Required no-harvest, 50-foot buffers on Type Np Waters.

Length of Type Np Water from the confluence of Type S or F Water	Length of 50' buffer required on Type Np Water (starting at the confluence of the Type Np and connecting water)
Greater than 1000'	500'
Greater than 300' but less than 1000'	Distance of the greater of 300' or 50% of the entire length of the Type Np Water
Less than or equal to 300'	The entire length of Type Np Water

(ii) No timber harvest is permitted in an area within 50 feet of the outer perimeter of a soil zone perennially saturated from a headwall seep.

(iii) No timber harvest is permitted in an area within 50 feet of the outer perimeter of a soil zone perennially saturated from a side-slope seep.

(iv) No timber harvest is permitted within a 56-foot radius buffer patch centered on the point of intersection of two or more Type Np Waters.

(v) No timber harvest is permitted within a 56-foot radius buffer patch centered on a headwater spring or, in the absence of a headwater spring, on a point at the upper most extent of a Type Np Water as defined in WAC 222-16-030(3) and 222-16-031.

(vi) No timber harvest is permitted within an alluvial fan.

(vii) At least 50% of a Type Np Waters' length must be protected by buffers on both sides of the stream (2-sided buffers). Buffered segments must be a minimum of 100 feet in length. If an operating area is located more than 500 feet upstream from the confluence of a Type S or F Water and the Type Np Water is more than 1,000 feet in length, then buffer the Type Np Water according to the following table. If the percentage is not met by protecting sensitive sites listed in

PERMANENT

(b)(i) through (vii) of this subsection, then additional buffers are required on the Type Np Water to meet the requirements listed in the table.

Minimum percent of length of Type Np Waters to be buffered when more than 500 feet upstream from the confluence of a Type S or F Water

Total length of a Type Np Water upstream from the confluence of a Type S or F Water	Percent of length of Type Np Water that must be protected with a 50 foot no harvest buffer more than 500 feet upstream from the confluence of a Type S or F Water
1000 feet or less	refer to table in this subsection (i) above
1001 - 1300 feet	19%
1301 - 1600 feet	27%
1601 - 2000 feet	33%
2001 - 2500 feet	38%
2501 - 3500 feet	42%
3501 - 5000 feet	44%
Greater than 5000 feet	45%

The landowner must select the necessary priority areas for additional 2-sided buffers according to the following priorities:

- (A) Low gradient areas;
- (B) Perennial water reaches of nonsedimentary rock with gradients greater than 20% in the tailed frog habitat range;
- (C) Hyporheic and ground water influence zones; and
- (D) Areas downstream from other buffered areas.

Except for the construction and maintenance of road crossings and the creation and use of yarding corridors, no timber harvest will be allowed in the designated priority areas. Landowners must leave additional acres equal to the number of acres (including partial acres) occupied by an existing stream-adjacent parallel road within a designated priority area buffer.

(c) None of the limitations on harvest in or around Type Np Water RMZs or sensitive sites listed in (b) of this subsection will preclude or limit:

(i) The construction and maintenance of roads for the purpose of crossing streams in WAC 222-24-030 and 222-24-050.

(ii) The creation and use of yarding corridors in WAC 222-30-060(1).

To the extent reasonably practical, the operation will both avoid creating yarding corridors or road crossings through Type Np Water RMZ or sensitive sites and associated buffers, and avoid management activities which would result in soil compaction, the loss of protective vegetation or sedimentation in perennially moist areas.

Where yarding corridors or road crossings through Type Np Water RMZs or sensitive sites and their buffers cannot reasonably be avoided, the buffer area must be expanded to protect the sensitive site by an area equivalent to the dis-

turbed area or by providing comparable functions through other management initiated efforts.

Landowners must leave additional acres equal to the number of acres (including partial acres) occupied by an existing stream-adjacent parallel road within a Type Np Water RMZs or sensitive site buffer.

NEW SECTION

WAC 222-30-022 *Eastern Washington riparian management zones. For eastside forests, riparian management is intended to provide stand conditions that vary over time. It is designed to mimic eastside disturbance regimes within a range that meets functional conditions and maintains general forest health. These desired future conditions are a reference point on the pathway to restoration of riparian functions, not an end point of riparian stand development. These rules apply to all typed waters on forest land in Eastern Washington, except as provided in WAC 222-30-023. RMZs are measured horizontally from the outer edge of the bankfull width or channel migration zone, whichever is greater, and extend to the limits as described in the following section.

Eastern Washington RMZ for streams with bankfull width of less than or equal to 15 feet wide

Site Class	Total RMZ Width	Core Zone Width <small>From outer edge of bankfull width or outer edge of CMZ, whichever is greater</small>	Inner Zone Width	Outer Zone Width
I	130'	30'	45'	55'
II	110'	30'	45'	35'
III	90'	30'	45'	15'
IV	75'	30'	45'	0'
V	75'	30'	45'	0'

Eastern Washington RMZ for streams with bankfull width of greater than 15 feet wide

Site Class	Total RMZ Width	Core Zone Width <small>From outer edge of bankfull width or outer edge of CMZ, whichever is greater</small>	Inner Zone Width	Outer Zone Width
I	130'	30'	70'	30'
II	110'	30'	70'	10'
III	100'	30'	70'	0'
IV	100'	30'	70'	0'
V	100'	30'	70'	0'

*(1) Eastern Washington RMZs on Type S and F Waters have three zones: The core zone is nearest to the edge of the bankfull width or outer edge of the CMZ, which-

PERMANENT

ever is greater. The inner zone is the middle zone, and the outer zone is furthest from the water. Permitted forest practices vary by timber habitat type and site class.

None of the limitations on harvest in each of the three zones listed below will preclude or limit the construction and maintenance of roads for the purpose of crossing streams in accordance with WAC 222-24-030 and 222-24-050, or the creation and use of yarding corridors in accordance with WAC 222-30-060(1).

The shade requirements in WAC 222-30-040 must be met regardless of harvest opportunities provided in the inner zone RMZ rules. See the board manual, section 1.

(a) **Core zones.** The core zone extends 30 feet measured horizontally from the edge of the bankfull width or outer edge of the CMZ, whichever is greater, for all timber habitat types. No harvest or construction is allowed in the core zone except as detailed in subsection (1) of this section. Any trees cut for or damaged by yarding corridors must be left on site. Any trees cut as a result of road construction to cross a stream may be removed from the site unless used as part of a large woody debris replacement strategy.

(b) **Inner zones.** Width and leave tree requirements of the inner zone vary by timber habitat type as outlined below.

(i) **Ponderosa pine timber habitat type.**

(A) The width of the inner zone is 70 feet measured horizontally from the outer edge of the core zone on streams greater than 15 feet bankfull width or 45 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of 15 feet or less.

(B) No harvest is allowed in the inner zone except as described in (C) or (D) below, and as allowed for stream crossings and yarding corridors as described above in subsection (1).

(C) **Stands with a high basal area:** Harvest is permitted in the inner zone if the basal area in the inner zone is greater than 110 square feet per acre for conifer and hardwood trees equal to or greater than 6 inches dbh. The harvest must leave at least 50 trees per acre AND subject to subclause (III) below, a basal area of at least 60 square feet per acre. The trees to be left shall be selected as follows:

(I) The 21 largest trees per acre must be left; and

(II) An additional 29 trees per acre that are 10-inch dbh or greater must be left. If there are less than 29 10-inch dbh or greater trees per acre, leave the 29 largest trees. If there are more than 29 10-inch dbh or greater trees per acre, leave 29 10-inch dbh or greater trees per acre based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010;
- Trees that are evenly distributed across the inner zone.

(III) If more than 50 trees per acre are needed to meet the minimum basal area of 60 square feet per acre, then all trees greater than 6-inch dbh must be left. The minimum basal area to be left in the inner zone will be 60 square feet per acre provided that if the minimum basal area cannot be met with fewer than 100 trees of at least 6 inches dbh, then no more

than 100 trees per acre will be required to be left regardless of the basal area.

(D) **Stands with low basal areas and high density:**

Thinning is permitted if the basal area of all species is less than 60 square feet per acre AND there are more than 100 trees per acre. The thinning must leave a minimum of 100 trees per acre. The trees to be left must be selected as follows:

(I) The 50 largest trees per acre must be left; and

(II) An additional 50 trees per acre that are greater than 6 inches dbh must be left. If there are not 50 6-inch dbh or greater trees per acre, then all 6-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 50 trees per acre. Select the additional 50 trees based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010;
- Trees that are evenly distributed across the inner zone.

(E) To the extent down wood is available on site prior to harvest, at least twelve tons of down wood per acre must be left following harvest as follows:

(I) Six pieces greater than 16 inches diameter and 20 feet in length; and

(II) Four pieces greater than 6 inches in diameter and 20 feet in length.

(III) Landowner/operator is not required to create down wood.

(F) See **stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a stream-adjacent parallel road in this zone.

(ii) **Mixed conifer timber habitat type.**

(A) The width of the inner zone is 70 feet measured horizontally from the outer edge of the core zone on streams greater than 15 feet bankfull width or 45 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of 15 feet or less.

(B) No harvest is allowed in the inner zone except as described in (C) or (F) below, and as allowed for stream crossings and yarding corridors as described above in subsection (1).

(C) **Stands with a high basal area:** Harvest is permitted in the inner zone if the combined conifer and hardwood basal area for trees greater than 6 inches dbh is:

(I) Greater than 110 square feet per acre on low site indexes (site index less than 90); or

(II) Greater than 130 square feet per acre on medium site indexes (site index between 90 and 110); or

(III) Greater than 150 square feet per acre on high site indexes (site index greater than 110).

(D) The harvest must leave at least 50 trees per acre AND a basal area of at least:

(I) 70 square feet per acre on low site indexes; or

(II) 90 square feet per acre on medium site indexes; or

(III) 110 square feet per acre on high site indexes.

(E) The trees to be left shall be selected as follows:

(I) The 21 largest trees per acre must be left; and

(II) An additional 29 trees per acre that are 10-inch dbh or greater must be left. If there are less than 29 10-inch dbh or greater trees per acre, leave the 29 largest trees. If there are more than 29 10-inch dbh or greater trees per acre, leave 29 10-inch dbh trees per acre based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010; or
- Trees that are evenly distributed across the inner zone.

(III) If more than 50 trees per acre are needed to meet the minimum basal area for the site index, then all trees greater than 6 inches dbh must be left. The minimum basal area to be left in the inner zone will be 60 square feet per acre provided, that if the minimum basal area cannot be met with fewer than 100 trees at least 6 inches dbh, then no more than 100 trees per acre will be required to be left regardless of the basal area.

(F) **Stands with low basal areas and high density:** Thinning is permitted if the basal area of all species is less than the minimum requirements for the site index in (C) of this subsection AND there are more than 120 trees per acre. The thinning must leave a minimum of 120 trees per acre. The trees to be left shall be selected as follows:

- (I) The 50 largest trees per acre must be left; and
- (II) An additional 70 trees per acre greater than 6 inches dbh must be left. If there are not 70 6-inch dbh or greater trees per acre, then all 6-inch dbh or greater trees per acre must be left plus the largest remaining trees to equal 70 trees per acre. Select the additional 70 trees based on the following priority order:

- Trees that provide shade to water;
- Trees that lean towards the water;
- Trees of the preferred species, as defined in WAC 222-16-010; or
- Trees that are evenly distributed across the inner zone.

(G) To the extent down wood is available on site prior to harvest, 20 tons of down wood per acre is required to be left following harvest as follows:

- (I) 8 pieces greater than 16 inches diameter and 20 feet in length; and
 - (II) 8 pieces greater than 6 inches in diameter and 20 feet in length.
- (III) Landowner/operator is not required to create down wood.

(H) **See stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a parallel road in this zone.

(iii) **High elevation timber habitat type.**

(A) The width of the inner zone is 45 feet measured horizontally from the outer edge of the core zone on streams equal to or less than 15 feet bankfull width or 70 feet measured horizontally from the outer edge of the core zone on streams with a bankfull width of greater than 15 feet.

(B) Follow stand requirements for Western Washington riparian management zones, WAC 222-30-021 (1)(b).

Note: Option 2 is not permitted for eastside use, because of the minimum floor (100') constraint..

(C) To the extent down wood is available prior to harvest, 30 tons per acre of down wood per acre must be left following harvest as follows:

- (I) 8 pieces greater than 16 inches diameter and 20 feet in length; and
 - (II) 8 pieces greater than 6 inches in diameter and 20 feet in length.
- (III) Landowner/operator is not required to create down wood.

(D) **See stream-adjacent parallel roads for all timber habitat types** in (iv) of this subsection if there is a parallel road in this zone.

(iv) **Stream-adjacent parallel roads for all timber habitat types in the inner zone.** The shade rule, WAC 222-30-040, must be met whether or not the inner zone includes a stream-adjacent parallel road. Where a stream-adjacent parallel road exists in the inner zone and the minimum required basal area cannot be met due to the presence of the road, then the location of the road determines the allowable operations as follows:

(A) For streams with a bankfull width that is greater than 15 feet:

(I) If the edge of the road closest to the stream is 75 feet or more from the outer edge of bankfull width of the stream or outer edge of CMZ, whichever is greater, **no harvest is permitted in the inner zone.** This includes trees within the inner zone on the uphill side of the road.

(II) No harvest is permitted within the inner zone on the streamside of the road. If the edge of the road closest to the stream is less than 75 feet from the outer edge of bankfull width of the stream or outer edge of CMZ, whichever is greater then:

- Additional leave trees equal in total basal area to the trees lost due to the road must be left near the streams in or adjacent to the unit to be harvested; (See the board manual section 7.)

- Where the additional leave trees providing fish habitat for water quality function are determined to be not available or not practical by the department, landowners and operators may alternatively employ site specific management activities to replace lost riparian functions that may include placement of large woody debris in streams. (See the board manual section 7.)

(B) For streams with a bankfull width less than 15 feet:

(I) If the edge of the road closest to the stream is 50 feet or more from the outer edge of bankfull width or outer edge of CMZ, whichever is greater, no harvest is permitted in the inner zone. This includes trees within the inner zone on the uphill side of the road.

(II) No harvest is permitted within the inner zone on the stream side of the road. If the edge of the road closest to the stream is less than 50 feet from the bankfull width or CMZ, whichever is greater then:

- Additional leave trees equal in total basal area to the trees lost due to the road must be left near the streams in or adjacent to the unit to be harvested. (See the board manual section 7.)

- Where the additional leave trees providing fish habitat for water quality function are determined to be not available

or not practical by the department, landowners and operators may alternatively employ site specific management activities to replace lost riparian functions that may include placement of large woody debris in streams. (See the board manual section 7.)

(C) **Wildlife reserve trees.** Leave all wildlife reserve trees within the inner zone of the riparian management zone where operations in the vicinity do not violate the safety regulations (chapter 296-54 WAC and chapter 49-17 RCW administered by the department of labor and industries, safety division). Live wildlife reserve trees will contribute to the basal area requirements for inner zone leave trees and to leave tree counts if they are among the 21 largest trees per acre; or meet the requirement of an additional 29 leave trees per acre as per (E) above.

(c) **Outer zones.** This zone has three categories based on timber habitat type: Ponderosa pine, mixed conifer and high elevation. The width of this zone is 0 to 55 feet measured horizontally from the outer edge of the inner zone depending on the site class and stream width. (See WAC 222-16-010 definition of "RMZ outer zone.")

(i) Tree counts that must be left per acre, regardless of the presence of an existing stream-adjacent parallel road in the zone, are:

(A) Ponderosa pine habitat type - 10 dominant or codominant trees.

(B) Mixed conifer habitat type - 15 dominant or codominant trees.

(C) High elevation habitat type - See requirements for Western Washington RMZs in WAC 222-30-021 (1)(c).

(ii) Outer zone leave tree requirements in section (i) above may be reduced to 5 trees per acre in the ponderosa pine zone, 8 trees per acre in the mixed forest habitat type and 10 trees per acre in the high elevation habitat type, if the landowner voluntarily implements a LWD placement plan consistent with board manual section 26. If this strategy is chosen, a complete forest practices application must include a copy of the WDFW-approved hydraulics project approval (HPA) permit.

*** (2) Eastern Washington protection along Type Np and Ns Waters.**

(a) An **equipment limitation zone** is a 30-foot wide zone measured horizontally from the outer edge of bankfull width of a Type Np or Ns Water where equipment is limited. It applies to all perennial and seasonal streams.

(i) On-site mitigation is required if any of the following activities exposes the soil more than 10% of the surface area of the zone:

(A) Ground based equipment;

(B) Skid trails;

(C) Stream crossings (other than existing roads); or

(D) Cabled logs that are partially suspended.

(ii) Mitigation must be designed to replace the equivalent of lost functions, especially prevention of sediment delivery. Examples include water bars, grass seeding, mulching, etc.

(iii) Nothing in this subsection (2) reduces or eliminates the department's authority to prevent actual or potential material damage to public resources under WAC 222-46-030

or 222-46-040 or any related authority to condition forest practices notifications or applications.

(b) Type Np Waters.

Within 50 horizontal feet of the outer edge of bankfull width of the stream, the landowner must identify either a partial cut and/or clearcut strategy for each unit to be harvested:

Once approved by the department, the selected strategy will remain in effect until July 1, 2051. If a landowner transfers title of the harvest unit, the landowner must provide written notice of this continuing obligation to the new owner and send a copy to the department. See WAC 222-20-055.

(i) For partial cuts:

(A) Basal areas requirements are the same as those specified for the timber habitat type in the Eastern Washington RMZ inner zone.

(B) Where a stream-adjacent parallel road exists, the basal area required in (A) of this subsection is required to be left. (See stream-adjacent parallel roads for Type Np Waters in (c) below.)

(C) The trees to be included in the basal area determination and left after harvest must include:

(I) The 10 largest trees per acre;

(II) Up to an additional 40 trees per acre greater than or equal to 10 inches dbh must be left. If all or some of the trees are not at least 10 inches dbh, then the largest of the remaining trees must be left. Select trees based on the following priority order:

• Provide streambank stability;

• Provide shade to water;

• Lean towards the water;

• Preferred species, as defined in WAC 222-16-010; or

• Evenly distributed; and

If the basal area target has not been met with the trees required above, up to an additional 50 trees are required greater than 6 inches in dbh based on the above priority order.

(D) Side slope seeps must be protected with a 50-foot partial cut buffer that meets the basal area and leave tree requirements of (A), (B), and (C) above. The buffer shall be measured from the outer perimeter of the perennially saturated soil zone.

(ii) For clearcuts:

When the clearcut strategy in this subsection is selected, the landowner must simultaneously designate a 2-sided no-harvest 50-foot buffer along the stream reach in the harvest unit that:

(A) Is equal in total length to the clearcut portion of the stream reach in the harvest unit; and

(B) Meets the upper end of basal area requirements for each respective timber habitat type in the Eastern Washington RMZ inner zone. See WAC 222-30-022 (1)(b)(i), (ii) or (iii).

(C) The streamside boundary of all clearcuts must:

(I) Not exceed in total 30% of the length of the stream reach in the harvest unit;

(II) Not exceed 300 continuous feet in length;

(III) Not be located within 500 feet of the intersection of a Type S or F Water; and

(IV) Not occur within 50 feet of the following sensitive sites as defined in WAC 222-16-010:

- The outer perimeter of a soil zone perennially saturated from a headwall seep;
- The outer perimeter of a soil zone perennially saturated from a side-slope seep;
- The center of a headwater spring;
- An alluvial fan;
- The center point of intersection of two or more Type Np Waters.

(c) **Stream-adjacent parallel roads for Type Np Waters.** If a road exists in a Type Np RMZ and the basal area required to be left cannot be met within 50 feet of the outer edge of bankfull width of the stream measured horizontally due to the presence of the road, then the distance of the road to the stream determines the allowable operations as follows:

(i) A road that is within 30 to 49 feet measured horizontally from the outer edge of bankfull width of the stream requires:

(A) A total of 100 feet of riparian management zone measured horizontally (both sides of the stream count towards the total) must be left in a manner to provide maximum functions for nonfish use streams. If harvest is taking place on only one side of the stream, then 50 feet of RMZ width must be left, regardless of presence of a stream-adjacent parallel road. The width of the road is not counted as part of the total width of the RMZ.

(B) The location of the riparian management zone required in (A) of this subsection shall be based on the following priority order:

(I) Preferred: The area between the stream and the stream side edge of the road.

(II) The area that provides the most shade to the channel.

(III) The area that is most likely to deliver large woody debris to the channel.

(ii) A road that is within less than 30 feet from the outer edge of bankfull width of the stream measured horizontally requires, in addition to (c)(i)(A) and (B) of this subsection, that all trees between the stream and the streamside edge of the road must be left.

NEW SECTION

WAC 222-30-023 Riparian management zones for exempt 20-acre parcels.

Note: Compliance with this section does not insure compliance with the federal Endangered Species Act or the Clean Water Act.

On parcels of 20 contiguous acres or less, landowners with total parcel ownership of less than 80 forested acres shall not be required to leave the riparian buffers described in WAC 222-30-021 and 222-30-022. As required by RCW 76.13.130, these landowners are subject to the permanent riparian management zone rules and watershed analysis prescriptions in effect as of January 1, 1999, plus an additional fifteen percent volume requirement where watershed analysis prescriptions are not in effect.

***(1) Western Washington RMZs for exempt 20-acre parcels.** Riparian management zones are measured horizontally from the outer edge of bankfull width of a Type S or F Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but must not be less than 29 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these rules, including those rules relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, trees shall be left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

Western Washington Riparian Leave Tree Requirements

For exempt 20-acre parcels

Water Type/Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/ Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/Cobble <10" Diameter	Boulder/Bedrock
S or F Water 75' & over	115'	representative of stand	58 trees	29 trees

Water Type/Average Width	RMZ Maximum Width	Ratio of Conifer to Deciduous/Minimum Size Leave Trees	# Trees/1000 ft. each side	
			Gravel/Cobble <10" Diameter	Boulder/Bedrock
S or F Water under 75'	86'	representative of stand	115 trees	60 trees
F Water 5' & over	58'	2 to 1/12" or next largest available*	86 trees	29 trees
F Water less than 5'	29'	1 to 1/6" or next largest available*	29 trees	29 trees

* "Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified.

Ponds or lakes which are Type S or F Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) Landowners must meet shade rule in effect January 1, 1999, (WAC 222-30-040).

(e) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(f) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type S or F Waters or a wetland management zone and the harvest unit is a clearcutting of 20 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

***(2) Eastern Washington riparian management zones for exempt 20-acre parcels.** These zones shall be measured horizontally from the outer edge of bankfull width of Type S or F Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these rules, including those rules relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, trees shall be left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged

on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010 "Partial cutting." When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 35 feet to a maximum of 58 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 58 feet in width on each side of the stream with a minimum width of 35 feet and a maximum of 345 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type S or F Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 18 live conifer trees per acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 4 live conifer trees per acre 20 inches dbh or larger and the 2 largest live deciduous trees per acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees per acre 20 inches or larger do not exist, substitute 2 live conifer trees per acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees per acre; and

(E) Leave 3 live deciduous trees per acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type S or F Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees per acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 155 trees per acre 4 inches dbh or larger.

(C) On lakes or ponds, the minimum leave tree requirement shall be 86 trees per acre 4 inches dbh or larger.

PERMANENT

Note: See the board manual for guidelines for calculating trees per acre and average RMZ widths.

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type S or F Waters or a wetland management zone and the harvest unit is 20 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010 "Partial cutting.")

*** (3) Riparian leave tree areas for exempt 20-acre parcels.** The department will require trees to be left along Type Np Waters where such practices are necessary to protect public resources. Where such practices are necessary, leave at least 29 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 29 feet of the stream. The leave trees may be arranged to accommodate the operation.

(4) For the purposes of this section RMZ means: A specified area alongside Type S and F Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-025 Even-aged harvest—Size and timing. Except as provided in WAC 222-30-110, unit size and timing of timber harvesting by even-aged harvest methods is subject to the following requirements:

(1) Timber harvest which would result in an area larger than one hundred twenty acres and smaller than or equal to two hundred forty acres harvested by even-aged harvest methods on land owned or controlled by one landowner shall be reviewed by an interdisciplinary team, if the department determines that review is necessary. The area harvested by even-aged harvest methods, for the purposes of this subsection, shall be determined in accordance with subsection (3) of this section.

(2) Timber harvest which would result in an area larger than two hundred forty acres harvested by even-aged harvest methods on land owned or controlled by one landowner shall be prohibited. The area harvested by even-aged harvest method for the purposes of this subsection shall be determined in accordance with subsection (3) of this section.

(3) In calculating areas harvested by even-aged harvest methods, the area harvested by even-aged harvest methods shall include the acreage of that harvest unit and, all contiguous acreage harvested by even-aged harvest methods which is owned or controlled by the same landowner, except that acreage harvested by even-aged harvest methods sharing 10% or less of the common perimeter with the harvest unit under consideration shall not be considered contiguous for the purposes of this section.

(4) Harvest units shall be designed so that each harvest unit meets at least one of the following criteria:

(a) At least thirty percent of the unit's perimeter is in stands of trees that are thirty years of age or older;

(b) At least sixty percent of the unit's perimeter is in stands of trees that are fifteen years of age or older; or

(c) At least ninety percent of the unit's perimeter is in stands of trees that have survived on site a minimum of five growing seasons or, if not, have reached an average height of four feet.

Evaluation of unit perimeters is subject to the conditions specified in subsection (6) of this section.

(5) The requirements of subsections (2), (3), and (4) of this section shall apply only to timber harvest by even-aged harvest methods and shall not apply to timber harvest to salvage timber damaged by wind, disease, insects, fire, or other natural causes or to forest practices involving the clearing of land of brush or understocked hardwoods to convert to managed hardwoods or conifers.

(6) In evaluating the perimeters of harvest units pursuant to subsection (4) of this section, the following conditions shall apply:

(a) The following shall be treated as fully stocked, mature stands that will not be counted as contiguous acreage harvested by even-aged methods for the purposes of subsections (1) and (2) of this section and which will be counted as thirty-year-old stands for the purposes of subsection (4) of this section:

(i) In Western Washington, a ~~((riparian management zone or))~~ wetland management zone that is twice the width ~~((with twice the tree count))~~ required by WAC ~~((222-30-020(3)))~~ 222-30-021 and 222-30-023(1) along Type ~~((1, 2,))~~ S or ~~((3))~~ F Waters;

(ii) In Eastern Washington, ~~((a riparian management zone or))~~ wetland management zone that is the width required by WAC ~~((222-30-020(4)))~~ 222-30-022 and 222-30-023(2);

(iii) Designated upland management areas;

(iv) Lands in a shoreline of state-wide significance where harvest is limited under RCW 90.58.150;

(v) The portions of a perimeter consisting of land in uses other than forest land, such as land in agricultural or residential use and natural openings, and land not owned or controlled by the landowner who has proposed the harvest unit subject to the application under consideration;

* (vi) Along Type S and F Waters, a continuous buffer meeting the requirements of WAC 222-30-021 and 222-30-022;

* (vii) Along Type Np Waters, a continuous 50-foot wide no-harvest, no-salvage buffer.

(b) A stand of trees other than those described in (a) of this subsection shall be treated as a certain age class only if the stand is at least three hundred feet wide;

(c) Timber harvest units subject to an approved application or a notification for timber harvesting shall be treated as if the timber harvesting operation proposed in the application or notification were completed and regeneration not yet established.

(7) This section shall not apply to notifications or applications approved before July 1, 1992, or to one renewal of those applications, and shall not apply to timber that the landowner or operator demonstrated to the department is subject to a cutting right created by written contract before July 1, 1992, which cutting right would expire before all the timber subject to it could reasonably be harvested.

PERMANENT

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-30-040 Shade requirements to maintain ~~((stream))~~ water temperature. ~~*((1))~~ Within the bull trout overlay, all available shade will be retained within 75 feet from the edge of the bankfull width or the outer edge of the CMZ (whichever is greater) along Type S or F Waters. (See board manual, section 1.)

~~*((2))~~ Determination of adequate shade outside the bull trout overlay. The temperature prediction method mentioned in subsections (2) and (3) of this section shall be used to determine appropriate shade levels ~~((for flowing))~~ along Type ~~((1, 2,))~~ S and ~~((3))~~ F Waters to prevent excessive water temperatures, which may have detrimental impact on aquatic resources. No tree may be harvested within 75 feet from the edge of the bankfull width or the outer edge of the CMZ (whichever is greater) of any Type S or F Water if, according to the methodology, that tree is providing shade to the stream necessary to maintain compliance with temperature standards. If a landowner elects to remove any tree within 75 feet of any Type S or F Water, the landowner must demonstrate, using the methods in the board manual section 1, that the removal of the tree would not be contrary to the restrictions of this subsection.

~~*((2))~~ **(3) Temperature prediction method.** In addition to the riparian management zone requirements, leave trees shall be retained in riparian management zones on ~~((flowing))~~ Type ~~((1, 2,))~~ S and ~~((3))~~ F Waters as provided by the method described in the board manual which includes the following considerations:

- (a) Minimum shade retention requirements; and
- (b) Regional water temperature characteristics; and
- (c) Elevation; and
- (d) Temperature criteria defined for stream classes in chapter 173-201A WAC.

~~*((3))~~ **(4) Leave tree requirements for shade.** The method described in subsection ~~((2))~~ **(3)** of this section ~~((shall))~~ **must** be used to establish the minimum required shade cover based on site specific characteristics. When site specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

~~*((4))~~ **(5) Shade requirements must be satisfied whether or not the inner zone includes a stream-adjacent parallel road. Nothing will preclude or limit the harvest of shade trees in connection with the construction and maintenance of road crossings or the creation and use of yarding corridors. (See WAC 222-30-060(1).)**

(6) Waivers. The department may waive or modify the shade requirements where:

- ~~((a))~~ ~~The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or~~
- ~~((b))~~ ~~The applicant provides alternative means of stream temperature control satisfactory to the department; or~~
- ~~((e))~~ The temperature method indicates that additional shade will not affect ~~((stream))~~ water temperature.

NEW SECTION

WAC 222-30-045 Salvage logging within riparian management zones. Salvage logging within a riparian management zone is based upon the zone (core, inner or outer) in which the tree was originally located, applicable riparian stand requirements and the extent of previous harvest activities in the zone.

***((1)) Salvage logging within the outer edge of bankfull width of any typed water.** No salvage may take place within the outer edge of bankfull width of any typed water.

(2) Salvage logging in a core zone or channel migration zone. No salvage may take place within the RMZ core zone or a channel migration zone, including any portion of those trees that may have fallen outside of these zones.

(3) Salvage logging in the inner zone. Salvage may not take place within the inner zone if the stand requirements cannot be met by the residual stand. If the proposed salvage involves down tree(s) that originated from the inner zone, salvage of down wood may only be permitted if the down wood was not needed to meet stand requirements in the inner zone. Salvage of any existing down wood may not take place if the unremoved balance of down wood is insufficient to meet the regional down wood guidelines in (a) and (b) of this subsection. Salvage within the inner zone must be conducted to protect residual undamaged trees within the inner zone. Down wood guidelines for salvage in RMZ inner zones are:

(a) In Western Washington:

Logs with a solid core	< 1 foot diameter	1-2 foot diameter	> 2 foot diameter	Total
Number of logs/acre	85	83	26	194

(b) In Eastern Washington ponderosa pine, mixed conifer, and high elevation habitat types:

Follow the down wood requirements for each habitat type in WAC 222-30-022.

(4) Salvage logging in the outer zone. Salvage may not take place within the outer zone if the riparian leave tree requirements cannot be met by the residual standing or down trees. If the proposed salvage involves tree(s) that are down that originated from the outer zone, salvage may only be permitted of down wood if the down wood was not needed to meet riparian leave tree requirements in the outer zone.

(5) Salvage logging in sensitive sites or Type Np riparian management zones. No salvage may take place within a sensitive site or a Type Np RMZ.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-050 Felling and bucking. ***((1)) Felling along water.**

(a) No trees will be felled into Type ~~((1, 2,))~~ S and ~~((3))~~ F Waters RMZ core zones, sensitive sites, or Type A or B Wetlands except trees which cannot practically and safely be felled outside ~~((the stream, lake or pond))~~ these areas using techniques in general use ~~((and these trees must then be removed promptly)).~~

Such felling and removing in Type ~~((1,2))~~ S or ~~((3))~~ F Waters shall comply with the hydraulic project approval of the department of fish and wildlife.

(b) Within ~~((riparian management))~~ RMZ inner and outer zones, and wetland management zones, fall trees favorable to the lead consistent with safety standards to yard or skid away from the waters. The use of directional falling, lining, jacking and staged falling techniques are ~~((encouraged))~~ required.

(c) Trees may be felled into Type ~~((4))~~ Np Water if logs are removed as soon thereafter as practical. See forest practices board manual section 4 guidelines for clearing slash and debris from Type ~~((4))~~ Np and ~~((5))~~ Ns Water.

***~~((2))~~ Bucking ~~((in))~~ or limbing along water.**

~~((a))~~ No bucking or limbing shall be done on trees or portions thereof lying ~~((between the banks))~~ within the bank-full width of Type ~~((1,2 or 3))~~ S, F or Np Waters, in the RMZ core zones, in sensitive sites, or in open water areas of Type A Wetlands ~~((, except as necessary to remove the timber from the water))~~. Such bucking or limbing in Type S or F Waters shall comply with the hydraulic project approval of the department of fish and wildlife.

~~((b))~~ Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the water.

***~~((3))~~ Falling near riparian management zones, wetland management zones and setting boundaries.** Reasonable care shall be taken to avoid felling trees into riparian management zones, wetland management zones and areas outside the harvest unit.

(4) **Falling in selective and partial cuts.** Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

(5) **Disturbance avoidance for northern spotted owls.** Felling and bucking within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(6) **Disturbance avoidance for marbled murrelets.** Felling and bucking shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-060 Cable yarding. ***~~((1))~~ Type ~~((1,2))~~ S and ~~((3))~~ F Waters and sensitive sites.** No timber shall be cable yarded in or across ~~((a))~~ Type ~~((1,2))~~ S or ~~((3))~~ F Waters except where the logs will not materially damage the

bed of waters, banks of sensitive sites, or riparian management zones ~~((and removals from Type 1, 2 or 3 Water have hydraulic project approval of the department of fish and wildlife))~~. If yarding across Type S or F Waters is permitted, then yarding is limited to cable or other aerial logging methods. Any work in or above Type S or F Waters requires a hydraulics project approval (HPA). Any work in or above a Type Np or Ns Water may require a HPA. Logs must be fully suspended above the water unless otherwise allowed in the applicable HPA. Yarding corridors must be no wider or more numerous than necessary to accommodate safe and efficient transport of logs. Generally, yarding corridors should be located no closer to each other than 150 feet (measured edge to edge) and should be no wider than 30 feet. Safety is a prime consideration in the location of yarding corridors. Total openings resulting from yarding corridors must not exceed 20% of the stream length associated with the forest practices application. When changing cable locations, care must be taken to move cables around or clear of the riparian vegetation to avoid damage to riparian vegetation.

***~~((2))~~ Type A or B Wetlands.** No timber shall be cable yarded in or across Type A or B Wetlands without written approval from the department and may require a hydraulic project approval from the department of fish and wildlife.

***~~((3))~~ Deadfalls.** ~~((Any logs which are firmly embedded in the bed of a Type 1, 2, 3 and 4 Waters shall not be removed or unnecessarily disturbed without approval of the department of fish and wildlife.))~~ Logs which are firmly embedded in the bed or bank of Type S or F Waters shall not be removed or disturbed without hydraulic project approval from the department of fish and wildlife. Such activities in Type Np or Ns Waters may require a hydraulic project approval.

***~~((4))~~ Yarding in riparian management zones, sensitive sites, and wetland management zones.** Where timber is yarded from or across a riparian management zone, sensitive site, or wetland management zone reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream or open water areas and to minimize disturbance to understory vegetation, stumps and root systems. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie and away from Type A or B Wetlands or Type ~~((1,2 and 3))~~ S, F or Np Waters until clear of the wetland management zone or riparian management zone.

(5) Direction of yarding.

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

***~~((c))~~ When yarding parallel to a Type ~~((1,2))~~ S or ~~((3))~~ F Water channel below the ~~((50-year))~~ 100-year flood level or within the riparian management zone, reasonable care shall be taken to minimize soil disturbance and to prevent logs from rolling into the stream, lake, pond, or riparian management zone.**

(6) Disturbance avoidance for northern spotted owls. The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted

owl site center between March 1 and August 31 provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(7) **Disturbance avoidance for marbled murrelets.** Yarding or operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-070 (~~Tractor and wheeled skidding~~)
Ground-based logging systems. *(1) Typed waters and wetlands.

(a) (~~Tractor and wheeled skidders~~) Ground-based equipment shall not be used in Type ~~((1, 2))~~ S or ~~((3))~~ F Water, except with approval by the department and with a hydraulic project approval (~~(of the)~~) issued by the department of fish and wildlife.

~~((b) In order to maintain wetland water movement and water quality, and to prevent soil compaction, tractor or wheeled skidders shall not be used in Type A or B Wetlands without prior written approval of the department.~~

~~(e) Within all wetlands, tractors and wheeled skidder systems shall be limited to low impact harvest systems. Ground-based logging systems operating in wetlands shall only be allowed within wetlands during periods of low soil moisture or frozen soil conditions.~~

~~(d) Skidding across any flowing Type 4 Water shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.~~

~~(e) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.)~~
Yarding across Type S or F Waters is limited to cable or other aerial logging methods.

(b) Ground-based transport of logs across Type Np and Ns Waters shall minimize the potential for damage to public resources. A hydraulic project approval issued by the department of fish and wildlife may be required for ground-based equipment in Type Np or Ns Waters.

(i) Skidding logs and driving ground-based equipment through defined channels with flowing water is not allowed.

(ii) Ground-based transport of logs to landings across any Typed Np or Ns Water shall minimize the potential to damage public resources.

(iii) Whenever skidding across Type Np or Ns Waters, the direction of log movement between stream banks shall be designed to minimize sediment delivery to the stream.

(c) In order to maintain wetland water movement and water quality, and to prevent soil compaction, ground-based logging systems shall not be used in Type A or B wetlands.

(d) Where harvest in wetlands is permitted, ground-based logging systems shall be limited to low impact harvest systems. Ground-based logging systems operating in wetlands shall only be allowed during periods of low soil moisture or frozen soil conditions.

(e) Locations of temporary stream crossings to Np Waters shall be shown on the base map of the forest practices application. Whenever skidding in or across Type Np or Ns Waters, the direction of log movement between stream banks shall be designed to minimize sediment delivery to the stream. BMPs for stream crossings can be found in the board manual section 3.

***(2) Riparian management zone.**

(a) Logging will be permitted within the riparian management zone subject to riparian management zone protection in chapter 222-30 WAC. However, any use of (~~tractors, wheeled skidders, or other~~) ground-based yarding machines within the zone must be as described in an approved forest practices application or otherwise approved in writing by the department.

(b) (~~Where skidding~~) When transporting logs in or through the riparian management zone ((is necessary)) with ground-based equipment, the number of ((skidding)) routes through the zone shall be minimized.

(c) Logs shall be (~~skidded~~) transported so as to minimize damage to leave trees and vegetation in the riparian management zone, to the extent practical and consistent with good safety practices.

***(3) Wetlands management zones.**

(a) Logging will be permitted within wetland management zones subject to restrictions in WAC 222-30-020(7).

(b) Where feasible logs shall be skidded with at least (~~with~~) one end suspended from the ground so as to minimize soil disturbance and damage to leave trees and vegetation in the wetland management zone.

(c) (~~Tractors, wheeled skidders, or other~~) Ground-based harvesting systems shall not be used within the minimum WMZ width ((without written approval of the department)) unless described in an approved forest practices application or otherwise approved in writing by the department.

***(4) Deadfalls.** (~~Logs firmly embedded in the bed or bank of Type 1, 2, 3 or 4 Waters shall not be removed or unnecessarily disturbed without hydraulic project approval of the departments of fisheries or wildlife.~~) Logs firmly embedded in the bed or bank of Type S or F Waters shall not be removed or disturbed without hydraulic project approval from the department of fish and wildlife. Such activities in Type Np or Ns Waters may require a hydraulic project approval.

***(5) Moisture conditions.** (~~Tractor and wheeled skidders~~) (a) Ground-based logging systems shall not be used on exposed erodible soils or saturated soils ((when soil moisture content is so high that unreasonable soil compaction, soil disturbance, or)) if sediment delivery is likely to disturb a wetland, stream, lake or pond ((siltation would result)).

PERMANENT

(b) when soil moisture is high and unrestricted operation of ground-based equipment would result in unreasonable soil compaction, operations shall be restricted to methods that minimized widespread soil compaction or, operations postponed until site conditions improve such that yarding may proceed without causing unreasonable soil compaction and the long-term impacts to soil productivity and moisture absorption capacity that can result.

(6) **Protection of residual timber.** Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

*** (7) Skid trail location and construction.**

(a) Skid trails shall be kept to the minimum (~~((feasible))~~) width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the (~~((50-year))~~) 100-year flood level.

(c) Skid trails shall be outloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

(d) Skid trails running parallel or near parallel to streams shall be located outside the no-harvest zone of all typed waters and at least 30 feet from the outer edge of the bankfull width of the unbuffered portions of Type Np or Ns Water unless approved in writing by the department.

(e) Skid trails shall cross the drainage point of swales at an angle to minimize the potential for delivering sediment to a typed water or where channelization is likely to occur. See board manual section 3.

*** (8) Skid trail maintenance.**

(a) Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

(b) Skid trails located within 200 feet horizontal distance of any typed water that directly delivers to the stream network shall use water bars, grade breaks, and/or slash to minimize sediment delivery to the stream. Water bars shall be placed at a frequency to minimize gullyng and soil erosion. In addition to water barring, skid trails with exposed soil that is erodible and may be reasonably expected to cause damage to a public resource shall be seeded with a noninvasive plant species (preferably a species native to the state) and adapted for rapid revegetation of disturbed soil, or treated with other erosion control measures acceptable to the department.

*** (9) Slope restrictions.** (~~((Tractor and wheeled skidders))~~) Ground-based systems shall not be used on slopes where in the opinion of the department this method of operation would cause (~~((unnecessary or))~~) actual or potential material damage to a public resource.

(10) **Disturbance avoidance for northern spotted owls.** The operation of heavy equipment within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

(11) **Disturbance avoidance for marbled murrelets:** Operation of heavy equipment shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the daily peak activity periods within the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-30-100 Slash disposal or prescribed burning. (1) Slash disposal or prescribed burning are prohibited in the core zone.

(2) Slash disposal techniques:

*** (a)** Any conventional method of slash disposal may be used, except in Type A or B Wetlands, wetland management zones, and (~~((riparian management))~~) RMZ core and inner zones, Type Np RMZs, sensitive sites, and on sites where the department determines that a particular method would cause unreasonable risk to leave trees, public resources or (~~((unreasonably damage))~~) site productivity. Conventional methods of slash disposal include the following: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands: Provided, That on land shown to have low productivity potential the landowner or operator shall obtain the department's approval of its regeneration plan prior to utilizing controlled broadcast burning as a slash disposal technique. In riparian management inner zones, slash disposal shall be by hand, unless approved by the department. Slash disposal methods that employ machine piling, mechanical scatter and/or compaction, scarification or other techniques that result in soil disturbance shall not be allowed in equipment limitation zones. Scarification shall not be allowed within wetlands. Machine piling is (~~((discouraged))~~) not allowed in Type A and B Wetlands. Department approval, through a burning permit, is required for burning within an equipment limitation zone.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to protect Type A and B Wetlands, wetland management zones, riparian management zones, equipment limitation zones, soil, residual timber, public resources, and other property.

~~((e))~~ Location of slash piles. Except where burning will be completed before the next ordinary high water season, slash shall not be piled or windrowed below the 50-year flood level of any Type 1, 2, 3 or 4 Water or in locations from which it could be expected to enter any stream, lake or pond.

~~((2))~~ **(3) Slash isolation, reduction, or abatement** is required when the department determines there is an extreme fire hazard according to law (see chapter 332-24 WAC).

~~((3))~~ (4) **Slash disposal** is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

*~~((4))~~ (5) **Removing slash and debris** from streams.

"Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type ~~((1, 2, 3))~~ S, F or ((4)) Np Waters, to above the ~~((50))~~ 100-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the ~~((50))~~ 100-year flood level of Type ~~((1, 2, 3))~~ S, F or ((4)) Np Waters, slash disposal is required. See the forest practices board manual section 4 for "Guidelines for clearing slash and debris from Type ((4)) Np and ((5)) Ns Waters."

*~~((5))~~ (6) **Fire trails.**

(a) Construct ~~((dips, water bars, cross drainage and ditches))~~ drainage structures as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the ~~((50))~~ 100-year flood level.

(c) Fire trails shall not be located within Type A or B Wetlands, wetland management zones, equipment limitation zones or riparian zones without prior written approval of the department. Hand constructed fire trails are preferred within forested wetlands. When machine built fire trails are necessary for control of burning, trail width and excavation shall be minimized.

~~((6))~~ (7) **Disturbance avoidance for northern spotted owls.** Burning within a SOSEA boundary shall not be allowed within 0.25 mile of a northern spotted owl site center between March 1 and August 31, provided that, this restriction shall not apply if:

(a) The landowner demonstrates that the owls are not actively nesting during the current nesting season; or

(b) The forest practice is operating in compliance with a plan or agreement developed for the protection of the northern spotted owl under WAC 222-16-080 (6)(a), (e), or (f).

~~((7))~~ (8) **Disturbance avoidance for marbled murrelets.** Slash disposal or prescribed burning shall not be allowed within 0.25 mile of an occupied marbled murrelet site during the critical nesting season, provided that, this restriction shall not apply if the forest practice is operating in compliance with a plan or agreement developed for the protection of the marbled murrelet under WAC 222-16-080 (6)(a) or (c).

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-30-110 Timber harvesting on islands. On an island:

(1) A landowner shall not harvest by clearcut so that more than forty contiguous acres of that landowner's forest land are in a clearcut condition;

(2) Forest land harvested by clearcut remains in the clearcut condition until it has reached canopy closure or it has been reforested for at least ten years;

(3) Clearcut harvest units are contiguous unless separated by a buffer at least two hundred feet wide that has reached canopy closure, has been reforested for at least ten years, or is in a land use other than timber production.

(4) Within two hundred feet of the ~~((ordinary high water mark))~~ bankfull width of saltwater timber harvest shall be by selective harvest only, so that no more than thirty percent of the merchantable trees are harvested in any ten-year period: Provided, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions, or silvicultural practices necessary for regeneration render selective harvest ecologically detrimental: Provided further, That harvest by clearcut on lands being converted to another use may be approved.

(5) The requirements of this section shall not apply to timber harvest ~~((to))~~ or salvage timber damaged by wind, disease, insects, fire, or other natural causes.

(6) This section shall not apply to notifications or applications approved before July 1, 1992, or to one renewal of those applications, and shall not apply to timber that the landowner or operator demonstrated to the department is subject to a cutting right created by written contract before July 1, 1992, which cutting right would expire before all the timber subject to it could reasonably be harvested.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-34-040 Site preparation and rehabilitation. *(1) Heavy equipment. Heavy equipment shall not be used in connection with site preparation or rehabilitation work:

(a) When, because of soil moisture conditions or the type of soils, undue compaction or unnecessary damage to soil productivity would occur or erosion would result in damage to water quality; or

(b) Within riparian management zones, Type A and B Wetlands, wetland management zones, or within ~~((10 feet of the ordinary high water mark))~~ equipment limitation zones of Type ((4)) Np and ((5)) Ns Waters on slopes of 30 percent or less. On slopes greater than 30 percent heavy equipment shall not operate within 50 feet of Type ((+)) S through ((5)) Ns Waters unless a site specific plan has been approved by the department.

* (2) Surface water drainage. Where site preparation or rehabilitation involves contouring or terracing of slopes, drainage ditches, or similar work:

(a) The gradient of ditches or other artificial water courses in erodible soils shall not cause significant stream, lake, pond, or wetland siltation.

(b) Ditches and other artificial water courses shall not discharge onto any road, landing or fill.

(c) Ditches and other artificial water courses shall not be constructed to discharge onto the property of other parties without their consent.

* (3) Stream channel ~~((alignment))~~ realignment. Where work involves deepening, widening, straightening or relocating the channel; or bulkheading, riprapping or otherwise stabilizing the banks of a Type ~~((1, 2 or 3))~~ S or F Water, a

hydraulic project approval is always required, and the work shall be done only:

(a) After consultation with any party having an appropriation permit or registered right to appropriate waters from the affected stream segment in cases of streams used for domestic water supplies.

(b) Where no significant adverse effects on either the peak or minimum water levels or flows downstream can be expected.

(c) In a manner not expected to result in long-term damage to public resources or to adjacent or downstream property.

(NOTE: OTHER LAWS AND ((REGULATIONS)) RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-38-010 Policy—Forest chemicals. *(1)

Chemicals perform important functions in forest management. The purpose of these regulations is to regulate the handling, storage and application of chemicals in such a way that the public health, lands, fish, wildlife, aquatic habitat, wetland and riparian management zone vegetation will not be significantly damaged, and water quality will not be endangered by contamination. This section in no way modifies the state department of agriculture regulations governing chemicals.

*(2) These rules are intended to implement best management practices designed to eliminate the direct entry of pesticides to water. Best management also includes minimizing the entry of forest chemicals into channel migration zones, wetland management zones, sensitive sites, or the core or inner zones of riparian management zones and buffers on Type Np Waters. Significant damage for purposes of this section includes any damage that would inhibit or preclude the existing vegetation from protecting public resources.

(NOTE: OTHER LAWS AND ((REGULATIONS)) RULES AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-38-020 Handling, storage, and application of pesticides. *(1) No pesticide leakage, contamination, pollution.

Transportation, handling, storage, loading, application, and disposal of pesticides shall be consistent with applicable label requirements and other state and federal requirements.

***(2) Mixing and loading areas.**

(a) Mix pesticides and clean tanks and equipment only where any accidental spills would not enter surface water, channel migration zone or wetlands.

(b) Storage and loading areas should be located where accidental spillage of pesticides will not enter surface water or wetlands. If any pesticide is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

***(3) Riparian management ((zone)) and wetland management zones.** Pesticide treatments within the ((riparian management zone)) RMZ core or inner zones, Type Np RMZs, sensitive sites or wetland management zones shall be by hand unless the department has approved a site specific plan with another method of treatment.

~~*(4) ((Wetland management zone. Pesticide treatment within the wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.~~

***(5)) Aerial application of pesticides.**

(a) To keep pesticides out of the water((; leave a 50 foot)) and wetlands, a buffer ((strip)) will be maintained during operations on all ((typed waters, except segments of Type 4 and 5 Waters with no surface water and other areas of open water, such as ponds or sloughs-)) Type S and F Waters and Type Np and Ns surface waters and Type A and B Wetlands, as set forth in (a)(i) of this subsection. To protect riparian vegetation, pesticides must not be applied to the core and inner zone, channel migration zone of any Type S or F Waters, to Type Np RMZ's, to sensitive site buffers, or to Type A or B Wetland management zones. In addition, operators must maintain an offset from the outer edge of the inner zone and wetland management zones as set forth in (a)(i) and (ii) of this subsection. (See the board manual, section 12 for a detailed example.) Where the buffer and offset widths overlap, the distance of offset must be whichever distance is greater from Type S or F Waters or Type A or B Wetlands for the applicable conditions. Aerial applications of pesticides in and around Type Np or Ns Waters with surface water and Type B Wetlands must be buffered according to (a)(iii) of this subsection. (Note: These application requirements do not apply to B.t. (Bacillus thuringiensis). When applying B.t., the operator must meet all label requirements.)

(i) Buffers on Type S and F Waters.

		DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)			
		Favorable		Calm or Unfavorable	
NOZZLE TYPE	APPLICATION HEIGHT	BUFFER ON WATER	OFFSET FROM INNER ZONE	BUFFER ON WATER	OFFSET FROM INNER ZONE
Regular Nozzle*	Low (≤ 16 ft.)	Width of the inner zone	As needed for safety	100 ft., or the inner zone, whichever is greater	50 ft.

PERMANENT

		DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)			
		Favorable		Calm or Unfavorable	
NOZZLE TYPE	APPLICATION HEIGHT	BUFFER ON WATER	OFFSET FROM INNER ZONE	BUFFER ON WATER	OFFSET FROM INNER ZONE
	Medium (17-50 ft.)	Width of the inner zone	As needed for safety	250 ft.	N/A
	High (51-65 ft.)	Width of the inner zone	As needed for safety	325 ft.	N/A
Raindrop Nozzle (or other nozzles that result in the same size spray droplets)**	Low (≤ 16 ft.)	Width of the inner zone	As needed for safety	Width of inner zone	20 ft.
	Medium (17-50 ft.)	Width of the inner zone	As needed for safety	Width of inner zone	20 ft.
	High (51-65 ft.)	Width of the inner zone	As needed for safety	125 ft. or the inner zone, whichever is greater	20 ft.

* Coarse spray droplets = approximately 9% of spray-droplet volume ≤ 150 u
 ** Ultra coarse spray droplets = approximately 1% of spray-droplet volume ≤ 150 u

(ii) Buffers on Type A and B Wetlands.

		DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)			
		Favorable		Calm or Unfavorable	
NOZZLE TYPE	APPLICATION HEIGHT	BUFFER ON WET-LAND	OFFSET FROM WMZ	BUFFER ON WET-LAND	OFFSET FROM WMZ
Regular Nozzle*	Low (≤ 16 ft.)	Width of the WMZ	As needed for safety	150 ft.	N/A
	Medium (17-50 ft.)	Width of the WMZ	As needed for safety	250 ft.	N/A
	High (51-65 ft.)	Width of the WMZ	As needed for safety	325 ft.	N/A
Raindrop Nozzle (or other nozzles that result in the same size spray droplets)**	Low (≤ 16 ft.)	Width of the WMZ	As needed for safety	Width of WMZ	20 ft.
	Medium (17-50 ft.)	Width of the WMZ	As needed for safety	Width of WMZ	20 ft.
	High (51-65 ft.)	Width of the WMZ	As needed for safety	125 ft. or the width of the WMZ, whichever is greater	20 ft.

* Coarse spray droplets = approximately 9% of spray-droplet volume ≤ 150 u
 ** Ultra coarse spray droplets = approximately 1% of spray-droplet volume ≤ 150 u

(iii) Buffers on Type Np or Ns Waters with surface water present and Type B Wetlands less than 5 acres.

PERMANENT

DETERMINING WIND FACTOR (See the board manual section 12 for detailed examples.)		
	Favorable	Calm or Unfavorable
Nozzle Type	Buffer	Buffer
Regular Nozzle	50 ft.	100 ft.
Raindrop Nozzle (or other nozzles that result in the same size spray droplets)*	50 ft.	70 ft.

* Coarse spray droplets = approximately 9% of spray-droplet volume ≤ 150 u
 ** Ultra coarse spray droplets = approximately 1% of spray-droplet volume ≤ 150 u

Posting at formal, signed trailheads that are adjacent to aerially treated units is required. The signs will contain the name of the product used, date of treatment, a contact telephone number, and any applicable restrictions.

~~(*)~~ ~~(6)~~ ~~(5)~~ Ground application of pesticides with power equipment.

~~(Leave a 25-foot buffer strip on each side of Type A or B Wetlands and all typed waters, except segments of Type 4 and 5 Waters with no surface water.)~~ Ground application of pesticides with power equipment is prohibited within the core and inner zone, channel migration zone of Type S and F Waters, unless necessary to meet requirements for noxious weed control. In addition, operators shall maintain a 25 foot no application buffer strip around Type A or B Wetlands and on all sides of all other surface waters. Provided, however, That dry stream segments (i.e., channels with no surface water at the time of application) do not require a buffer.

~~(*)~~ ~~(7)~~ ~~(6)~~ Hand application of pesticides.

~~(Apply only)~~ Pesticides being applied by hand must only be applied to specific targets, such as vegetation, trees, stumps, and burrows, or as bait or in traps. No pesticides may be applied by hand within the core zone, channel migration zone of Type S and F Waters unless necessary to meet requirements for noxious weed control.

~~(*)~~ ~~(8)~~ ~~(7)~~ **Limitations on application.** Pesticides shall be applied only in accordance with all limitations:

- (a) Printed on the United States Environmental Protection Agency container registration label, and/or
- (b) Established by regulation of the state department of agriculture.
- (c) Established by state and local health departments (in municipal watersheds).
- (d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(e) The department or the department of agriculture may suspend further use of any equipment responsible for chemical leakage until the deficiency has been corrected to the satisfaction of the department suspending its usage.

~~(*)~~ ~~(9)~~ ~~(8)~~ **Container disposal.** Pesticide containers shall be either:

- (a) Removed from the forest and disposed of in the manner consistent with label directions; or
- (b) Removed and cleaned for reuse in a manner consistent with any applicable regulations of the state department of agriculture or the state or local health departments.

~~(*)~~ ~~(10)~~ ~~(9)~~ **Daily records - aerial application of pesticides.** On all aerial applications of pesticides, the operator shall maintain for 7 years daily records of spray operations as

(b) ~~(Apply)~~ The initial swath of aerial pesticides must be applied parallel to the applicable buffer strip identified in (a) of this subsection unless a deviation is approved in advance by the department. Drift control agents shall be required adjacent to buffer strips. Operators applying aerial pesticides must avoid applications that might result in drift causing direct entry of pesticides into riparian management (~~zones~~) core and inner zones, channel migration zones, sensitive sites, Type A and B Wetlands, wetland management zones, and all typed waters, except segments of Type ~~(4)~~ Np and ~~(5)~~ Ns Waters with no surface water present.

(c) Operators applying aerial pesticides must use a bucket or spray device capable of immediate shutoff.

(d) Operators applying aerial pesticides must shut off spray equipment during turns and over open water.

(e) Operators applying aerial pesticides near residences or agricultural land must either:

(i) Leave at least a 200 foot no application buffer strip around residences and 100 foot no application buffer strip adjacent to lands used for agriculture (~~unless such residence or farmland~~); or

(ii) Apply the pesticides using the widest buffer for the applicable wind conditions as determined by the applicable tables in (a) of this subsection. These provisions do not apply where the residences or agricultural land that could be affected by drift from the aerial application of the pesticide is owned by the forest landowner or where the aerial application is acceptable to the resident or landowner.

(f) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the pesticide an over-flight of the area shall be made by the pilot with the marked photos or maps. Stream and wetland buffers required under (a) of this subsection must be clearly visible from the air. The department may require additional field delineation of buffers where the operation is dependent on the use of ground cover features to determine unit area locations and where such ground cover is not readily distinguished from the no spray buffer areas.

(g) Aerial chemical application areas shall be posted by the landowner by signing at significant points of regular access at least 5 days prior to treatment. Posting shall remain at least 15 days after the spraying is complete. The department may require an extended posting period in areas where human use or consumption of plant materials is probable.

PERMANENT

required by the state department of agriculture WAC ((46-228-190)) 16-228-1320.

((*(41))) *** (10) Reporting of spills.** All potentially damaging chemical spills shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

AMENDATORY SECTION (Amending WSR 93-12-001, filed 5/19/93, effective 6/19/93)

WAC 222-38-030 Handling, storage, and application of fertilizers. *** (1) Storage and loading areas.** Storage and loading areas should be located where accidental spillage of fertilizers will not enter surface water or wetlands. If any fertilizer is spilled, immediate appropriate procedures shall be taken to contain it.

*** (2) Riparian management zone and wetland management zone.** Fertilizer treatments within a riparian management zone or wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.

~~*** (3) ((Wetland management zone. Fertilizer treatments within a wetland management zone shall be by hand unless the department has approved a site specific plan with another method of treatment.**~~

*** (4) Aerial application of fertilizer.**

(a) Proposed fertilization units shall be planned to avoid and to minimize the direct or indirect introduction of fertilizer into waters and wetlands.

(b) Leave a 25 foot buffer from the edge of the channel migration zone on all Type ((1, 2)) S and ((3)) E Waters, except as noted in (f) of this subsection.

(c) When the helicopter flight path during fertilizer application is parallel to a water course or the WMZ edge, the centerline of the initial swath should be adjusted to prevent direct application within the buffers or WMZs.

(d) Leave at least a 200 foot buffer strip around residences and a 100 foot buffer strip adjacent to lands used for agriculture unless such residence or farmland is owned by the forest landowner or the aerial application is acceptable to the resident or landowner.

(e) The landowner shall identify for the operator the units to be fertilized and the untreated areas within the units with appropriately marked aerial photos or detailed planimetric maps. Before application of the fertilizer, an over-flight of the area shall be made by the pilot with the marked photos or maps.

(f) Where the department has been provided information by the department of ecology indicating that water quality in downstream waters is likely to be impaired by entry of fertilizer into waters, such waters shall be protected by site specific conditioning.

~~**((*(5))) * (4) Ground and hand application of fertilizers.** Prevent fertilizer from entering Type A and B Wetlands and all typed waters, except segments of Type ((4)) Np and ((5)) Ns Waters with no surface water present.~~

~~**((*(6))) * (5) Reporting of fertilizer spills.** All fertilizer spills involving streams, lakes, wetlands, or other waters of~~

the state shall be immediately reported to the department of ecology. Emergency telephone numbers for reporting spills shall be available at the department's regional offices.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-38-040 Handling, storage, and application of other forest chemicals. *** (1) Waters and wetlands.** Do not allow direct entry of other forest chemicals into any ((typed)) water((s)) or Type A or B Wetlands, except segments of Type ((4)) Np and ((5)) Ns Waters with no surface water(~~, or Type A or B Wetlands~~) present.

*** (2) Storage, mixing, and loading areas.**

(a) Mix other forest chemicals and clean tanks and equipment only where any accidental spills would not enter surface water or wetlands.

(b) Storage and loading areas should be located where accidental spillage of other forest chemicals will not enter surface water or wetlands. If any chemical is spilled, immediate appropriate procedures should be taken to contain it.

(c) Use devices or procedures to prevent "back siphoning" such as providing an air gap or reservoir between the water source and the mixing tank.

(d) Water protection requirements in subsection (1) of this section may be waived when emergency use of fire retardants is necessary to control wildfire.

NEW SECTION

WAC 222-46-012 Representatives on inspections. In connection with any watershed analysis, any review of a pending application by an interdisciplinary team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department will invite representatives of other agencies necessary to provide specific expertise to resolve issues that have been raised, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts must be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-46-060 Civil penalties. (1) **Amount of penalty.** Every person who violates any provisions of RCW 76.09.010 through 76.09.280 or of the forest practices rules adopted pursuant thereto, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for each such violation. Each and every such violation shall be a separate and distinct violation. In case of a failure to comply with a stop work order, every day's continuance thereafter shall be a separate and distinct violation.

(2) **Penalty assessments** shall consider the following:

- (a) Repairability of the adverse effect from the violation;
- (b) Whether the violation of the act or rules was intentional;
- (c) Cooperation with the department;
- (d) Previous violation history;
- (e) Severity of the impact or the potential for material damage to public resources; and
- (f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and did not receive substantial economic benefits from the violation.

(3) **Calculation of penalty.** The department shall evaluate any violation to determine if a civil penalty is warranted. When penalties are to be assessed they shall be calculated using the following process:

- (a) Determine the base penalty; see WAC 222-46-065.
- (b) The penalty may be adjusted using factors specific to the incident and the site. The following additional factors will be independently considered and added to the base penalty to calculate the civil penalty:

(i) **Repairability:**

Repairability shall be based on the length of time natural restoration or implementation of a restoration plan will take and whether repair can be achieved. The penalty will be substantially increased when natural restoration will not occur within three years and the damage cannot be effectively corrected. For this factor, up to double the base penalty may be added to the penalty.

(ii) **Intention:**

In making a determination of intent, the department shall consider, but not be limited to, the following considerations: The foreseeability of the violation; whether precautions were taken to avoid the violation; whether an informal conference or enforcement action was served on the violator prior to the violation. For this factor, up to double the base penalty may be added to the penalty.

(iii) **Cooperation:**

The department shall consider whether the violator did or did not make any attempt to correct the problem. Timeliness of action(s) and/or ignoring or evading agency contacts or directives shall determine if the penalty shall be increased. For this factor, up to double the base penalty may be added to the penalty.

(iv) **Previous violation(s):**

The department shall consider whether the violator has previous violations of a forest practice rule or regulation as documented in an enforcement action. The department may consider company organizations and assignment of operational responsibilities when evaluating previous violations. A history of violations with adverse impacts or potential for adverse impacts or that shows a pattern of ignoring the rules or the act, shall result in a substantially larger penalty.

Enforcement actions for the purposes of this section shall include notices to comply, stop work orders, civil penalties, and criminal citations when those enforcement actions are associated with forest practice violations. For this factor, up to quadruple the base penalty may be added to the penalty.

(v) **Severity:**

The department shall adjust the penalty based on the extent and magnitude of the damage or potential damage to public resources. For this factor, up to quadruple the base penalty may be added to the penalty.

(vi) **Landowner involvement:**

If in the opinion of the department, the landowner exercised reasonable prudence in the development of timber sale contracts or supervision of the forest practice operations, was unaware of the forest practice violation, and the landowner received no substantial economic benefit from the violation, then the landowner generally would not be assessed a civil penalty.

(c) In accordance with RCW 76.09.170, the penalty may not exceed ten thousand dollars for each and every violation.

(d) The department shall determine whether all or a portion of the penalty should be assessed against the operator, landowner, and/or timber owner. The department should consider the responsible party, the degree of control, the sophistication of the party and whether different parties conducted different violations.

(4) **Other participants.** Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty provided for in this section.

(5) **Government employees.** No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board created by the act for any act or omission in his/her duties in the administration of the act or of these rules.

(6) **Written notice.** The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department describing the violation with reasonable particularity.

(7) **Remission or mitigation.** Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the supervisor of the department ~~((s manager of the region in which the penalty was issued,))~~ or his or her designee for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper: Provided, That the department deems such remission or mitigation to be in the best interests of carrying out the purposes of the act. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as they may deem proper. The reviewer may reduce, dismiss or not change the civil penalty. ~~((Within fifteen days of the completion of the regional review, the person incurring the penalty may apply in writing to the supervisor of the department for further review.))~~

(8) **Right of appeal.** Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When

such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation. Concurrently with the filing of any appeal to the forest practices appeals board as provided in this section, the appellant shall file a copy of the appeal with the department region from which the penalty was issued and a copy with the office of the attorney general.

(9) **Penalties due.** The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final order or decision confirming the penalty in whole or in part.

(10) **Enforcement.** If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty, interest, costs, and attorneys' fees. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in the Forest Practices Act. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties, interest, costs, and attorneys' fees.

(11) **Liens.** Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty. The department may collect such amounts in the same manner provided in chapter 60.04 RCW for mechanics' liens.

(12) Any person incurring a penalty is also responsible for the payment of all costs and attorneys' fees incurred with the penalty as well as interest accruing on the unpaid penalty amount.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-46-070 Injunctions, civil suits, disapprovals. (1) **The department** may take any necessary action to enforce any final order or final decision(~~(, and)~~).

(2)(a) The department may disapprove (~~for up to one year~~) any forest practices application or notification submitted by any person who has failed to comply with a final order or decision as set forth in RCW 76.09.080, 76.09.090, or 76.09.110, or has failed to pay any civil penalties as provided in RCW 76.09.170. This disapproval will last for up to one year from the issuance of a notice of intent to disapprove

notifications and applications under this section, or until the violator pays all outstanding civil penalties and complies with all validly issued and outstanding notices to comply and stop work orders, whichever is longer.

(b) For purposes of this subsection, "validly issued" means a stop work order or notice to comply for which no appeal or request for hearing has been filed; or if appealed, it has not been declared invalid by a final order or decision and all appeals are exhausted.

(c) The department shall provide written notice of its intent to disapprove future applications or notifications, and shall forward copies of such notice to any affected landowner, timber owner or operator(~~; such written notice shall occur within ninety days of the failure to comply with a final order or decisions as set forth in RCW 76.09.080, 76.09.090, or 76.09.110, or has failed to pay any civil penalties as provided in RCW 76.09.170~~). The disapproval period shall run from thirty days following the date of actual notice or from the date all appeals, if any, have been exhausted.

(d) Any person provided notice of intent to disapprove an application or notification may seek review from the forest practices appeals board within thirty days of the date of notice.

~~((2))~~ (e) While the notice of intent to disapprove is in effect, the violator(s) may not serve as a person in charge of, be employed by, manage, or otherwise participate to any degree in forest practices.

(3) **A county** may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department, the forest landowner, timber owner or operator to enforce the forest practices regulations or any final order of the department or the appeals board. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department. A county may not commence injunctions, declaratory actions, or other actions for enforcement under this subsection unless the department fails to take appropriate actions after ten days' written notice to the department by the county of a violation of the forest practices rules or final orders of the department or the appeals board.

NEW SECTION

WAC 222-46-090 Financial assurances. (1) The purpose in requiring financial assurances is to ensure that the landowner or operator has sufficient resources to cover any penalties and mitigation measures, which might be assessed.

(2) The department may require financial assurance prior to the conduct of any further forest practices from an operator or landowner who within the preceding three-year period has:

(a) Operated without an approved forest practices application, other than an unintentional operation in connection with an approved application outside the approved boundary of such an application;

(b) Continued to operate in breach of, or failed to comply with, the terms of an effective stop work order or notice to comply; or

(c) Failed to pay any civil or criminal penalty.

(3) The department must deny any application or notification for failure to submit financial assurances as required.

(4) In deciding whether to require financial assurances, the department shall consider:

- (a) The organizational size of the operator or landowner;
- (b) Whether the violation was self-reported;
- (c) The cooperation exhibited when the violation was discovered; and
- (d) Any other factors the department believes indicate that financial assurances are, or are not, warranted.

(5) When the department determines that a financial assurance is required, a notice will be issued to the landowner or operator with violations listed above. The notice cannot be appealed. The financial assurances will be required with all future forest practices activities submitted within the time frame indicated in the notice. The notice shall include the following:

(a) A reference to subsection (6) of this section which identifies the criteria for establishing the amount of the financial assurance;

(b) The types of financial assurance which can be submitted;

(c) The time period during which financial assurances will be required with every future application or notification;

(d) A statement that the department must deny any application or notification from a landowner or operator who submits an application or notification without their required financial assurance;

(e) A statement that an application or notification can be appealed pursuant to RCW 76.09.220 (8)(a), and the requirement to submit financial assurances may be challenged at that time.

(6) The amount shall be set by the department within 10 days of receipt of a Class III or IV application, or within 3 days of receipt of a Class II notification. Applicants who have been notified of a financial assurance requirement are encouraged to use the early review process for applications outlined in WAC 222-20-090. In establishing the amount of the financial assurances to be required, the department shall begin with the following base amounts:

Class II Notifications - \$10,000

Class III Applications - \$30,000

Class IV General Applications - \$20,000

Class IV Special Applications - \$50,000

The base amounts listed above are based on an estimate of the potential for civil penalties, fees and required mitigation that could result from noncompliance with forest practices rules and department directives on forest practices applications or notifications of that classification. The base amounts can be increased or decreased depending on application specific factors including, but not limited to, size of the proposed harvest area, miles of new road construction and road maintenance, proximity to water, proximity to unstable soils, proximity to threatened or endangered species, and types of violations committed by the applicant in the past. In addition, the department should consider the risk to the state of the applicant being unable to pay civil penalties or perform required mitigation work. In weighing this risk, the depart-

ment should consider the applicant's past history of payment to the department, and any other financial information the applicant chooses to submit to the department. The base amount of financial assurance to be required may be increased or decreased depending on the department's assessment of this risk.

(7) The financial assurance provided shall protect the department and the state from the risk that the landowner or operator may be financially unable to pay civil penalties, fees and/or perform mitigation work required by the department, including mitigation work performed by the department pursuant to RCW 76.09.120, because of violations of the Forest Practices Act or rules. The department may, for any reason, refuse any financial assurance not deemed adequate. The financial assurance provided may be in the following form:

(a) Bank letter of credit;

(b) Cash deposit;

(c) Savings account assignment; or

(d) Corporate surety bond executed in favor of the department.

(8) The department may obtain compensation from a financial assurance whenever the landowner or operator has failed to pay a civil penalty that is due and owing or has failed to complete mitigation as required. Payment for a specific civil penalty or mitigation does not relieve the surety, operator or landowner of financial responsibility for any other civil penalty or mitigation.

(9) Liability under the financial assurance shall be maintained until all forest practices under the forest practices notification or application issued by the department are completed or until the notification or application expires, and all of the landowner or operator's obligations under the Forest Practices Act and rules are completed to the satisfaction of the department including payment of civil penalties and completion of required mitigation work. Liability under the financial assurance may be released only upon written notification by the department. Notification shall be given upon completion of compliance or acceptance of a substitute financial assurance.

(10) Financial assurances are estimates only. Nothing in this section shall be construed to limit the department's authority to assess and collect civil penalties and fees and to require mitigation work in amounts that exceed existing financial assurances.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-46-030 Notice to comply. If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator and/or landowner a notice (~~which will~~). (1) The notice shall clearly set forth:

~~((+))~~(a) **The specific** nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of the Forest Practices Act or of the forest practices ((~~regulations~~)) rules relating thereto;

((2)) (c) **The right** of the operator, landowner, or timber owner to a hearing before the department; and

((3)) (d) **The specific course of action** ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from any violation, unauthorized deviation, or willful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence.

((4)) (2) **Local government entity conditions.** If the notice to comply involves a condition imposed pursuant to WAC 222-20-040(3), then the specific course of action ordered by the department shall include a requirement that the operator obtain approval of the local government entity of the action to be taken.

((5)) (3) **The department** shall mail a copy of the notice to comply to the forest landowner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. The department shall also mail a copy to the local government entity if a condition imposed pursuant to WAC 222-20-040(3) is involved.

(4) **Such notice to comply shall become a final order** of the department: Provided, That no direct appeal to the appeals board will be allowed from such final order. Such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest landowner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than twenty days after receiving such request. The local government entity shall participate in the hearing if a condition imposed pursuant to WAC 222-20-040(3) is involved. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within thirty days after the date of such final order, the operator, forest landowner, or timber owner appeals such final order to the appeals board. No person shall be under any obligation under this section to prevent, correct, or compensate for any damage to public resources which occurs more than one year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules: Provided, That this provision shall not relieve the forest landowner from any obligation to comply with forest practices rules ((~~and regulations~~)) pertaining to providing continuing road maintenance. No action to recover damages shall be taken under this section more than two years after the date the damage involved occurs.

AMENDATORY SECTION (Amending WSR 94-01-134, filed 12/20/93, effective 1/1/94)

WAC 222-46-040 Stop work orders. (1) **The department** shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of the Forest Practices Act or these ((~~regulations~~)) rules; or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) **The stop work order** shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted from any violation, unauthorized deviation, or willful or negligent disregard for potential damage to a public resource. The stop work order shall also set forth those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence. If the stop work order involves a condition imposed pursuant to WAC 222-20-040(3), then the specific course of action ordered by the department shall include a requirement that the operator obtain approval of the local government entity of the action to be taken.

(d) The stop work order shall also set forth the right of the operator to a hearing before the appeals board.

(3) The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest landowner at the addresses shown on the application. The department shall also mail a copy to the local government entity if a condition imposed pursuant to WAC 222-20-040(3) is involved.

(4) The operator, timber owner, or forest landowner may commence an appeal to the appeals board within fifteen days after service upon the operator. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be a contested case within the meaning of chapter 34.05 RCW.

(5) The operator shall comply with the order of the department immediately upon being served, but the appeals board if requested shall have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-50-010 Policy. A major policy of the Forest Practices Act and the board is to work toward a comprehensive, statewide system of laws and ((~~regulations~~)) rules for

forest practices which avoids unnecessary duplication and provides for interagency input and cooperation to the extent that can be accomplished without interfering with the authority of the affected federal, state, regional and local agencies.

AMENDATORY SECTION (Amending WSR 97-24-091, filed 12/3/97, effective 1/3/98)

WAC 222-50-020 Other agency requirements. (1) Many other laws and ~~((regulations))~~ rules apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) **Hydraulics project approval law, chapter 77.55 RCW (~~(75-20-100))~~**. A hydraulics project approval must be obtained from the department of fish and wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See chapter 77.55 RCW (~~(75-20-100))~~ and WAC 232-14-010.

***~~(3)~~ Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required.** The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these ~~((regulations))~~ rules is intended to interfere with any authority of the department of fish and wildlife to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

(5) Federal Endangered Species Act, 16 U.S.C. 1531 et seq., and other federal laws. The federal Endangered Species Act and other federal laws may impose certain obligations on persons conducting forest practices. Compliance with the Forest Practices Act or these rules does not ensure compliance with the Endangered Species Act or other federal laws.

AMENDATORY SECTION (Amending WSR 91-23-052, filed 11/15/91, effective 12/16/91)

WAC 222-50-030 Interagency agreements. The board recommends that the department negotiate interagency agreements with other governmental agencies. The board further recommends that such agreements include, to the extent acceptable to the other agency, provisions specifying:

- (1) **The law and ~~((regulations))~~ rules** covered;
- (2) **Any geographical** or other limits on the authority and responsibility under the agreement;
- (3) **Priorities** and standards for resolution of any conflicts between such laws and regulations and the act and these ~~((regulations))~~ rules;

(4) **Procedures** for administrative appeals of actions taken;

(5) **Provisions for** continuing cooperation between the department and the other agency or agencies regarding interpretation of the laws and regulations involved;

(6) **Procedures for** termination of the interagency agreement; and

(7) **Procedures for** processing applications and notifications.

The department is directed to provide copies of all such agreements to the board, and to make known to the public that such interagency agreements exist.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-50-040 Safety and health. The forest practices ~~((regulations))~~ rules contained in chapters 222-24 through 222-38 WAC are automatically superseded to the extent inconsistent with any applicable safety regulations, or with any orders or directives having the force of law and based on any applicable safety regulations, including:

(1) **Chapter 296-54 WAC** (safety standards for logging operations, department of labor and industry's division of safety).

(2) **Chapter 296-24 WAC** (general safety and health standards, department of labor and industry's division of safety).

(3) **All applicable** Federal Occupational Safety and Health Administration regulations.

(4) **Regarding aircraft**, chapters 12-24, 12-28, and 12-32 WAC (Washington aeronautics commission).

(5) **Regarding explosives**, chapter 296-52 WAC (department of labor and industry) and all applicable federal regulations.

(6) **Regarding chemicals**, chapter 16-228 WAC (department of agriculture) and all applicable federal regulations.

(7) **All applicable** state and local sanitation regulations relating to municipal watersheds and sources of domestic water supply.

In such cases of conflict, the department is authorized to seek from other agencies such waivers or modifications in the applicable safety and health regulations as may be necessary for the department to be able to fully enforce the forest practices ~~((regulations))~~ rules contained in chapters 222-24 through 222-38 WAC.

Applicants are cautioned that there may be additional safety and health laws and regulations that may be applicable in addition to those specifically listed above.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-50-050 Forest fire prevention and suppression. All laws and ~~((regulations))~~ rules relating to forest fire prevention and suppression apply in addition to these forest practices ~~((regulations))~~ rules and, in cases of conflict,

supersede the forest practices ((regulations)) rules contained in chapters 222-24 through 222-38 WAC.

AMENDATORY SECTION (Amending Resolution No. 82-1), filed 8/3/82, effective 10/1/82)

WAC 222-50-060 Other regulatory programs administered by the department. The board recommends that, to the extent permitted by law and when necessary the department adopt ((regulations)) rules and policies under which approved applications and notifications can serve to eliminate or reduce the need for separate permits and approvals under regulatory programs administered by the department (such as the power driven machinery permits, RCW 76.04.275, dumping mill waste and forest debris permit, RCW 76.04.242, and surface mining permits, chapter 78.44 RCW) as applied to forest practices. The department is directed to notify the public of the existence of such ((regulations)) rules and policies.

WSR 01-12-047
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Rehabilitative Services)
 [Filed May 31, 2001, 2:58 p.m.]

Date of Adoption: May 30, 2001.

Purpose: Chapter 388-865 WAC, Community mental health programs: Integration of administrative rules to be consistent with an integrated mental health system; streamlining rules by eliminating duplication and inconsistency between the rules and waivers/contracts; implementation of changes in chapter 71.05, 71.24 and 71.34 RCW; incorporates department policies; and incorporates some federal Medicaid requirements into rule.

Citation of Existing Rules Affected by this Order: Repealing chapter 388-860 WAC, Juvenile involuntary treatment, WAC 388-860-010 Purpose, 388-860-020 Definitions, 388-860-030 Application for admission—Voluntary minor, 388-860-040 Emergency detention, 388-860-050 Investigation and involuntary detention, 388-860-060 Fourteen-day commitment petition, 388-860-070 Fourteen-day commitment—Hearing, 388-860-080 One hundred eighty-day petition, hearing, and commitment, 388-860-090 Detention and commitment after eighteenth birthday, 388-860-100 Transfer from juvenile correctional institutions, 388-860-110 Conditional release or early discharge, 388-860-120 Release of voluntary/involuntary minors to the custody of parents, 388-860-130 Elopement of minors, 388-860-140 Long-term placement—Designated placement committee, 388-860-150 Revocation of a less-restrictive alternative treatment or conditional release, 388-860-160 Requirements for certifying evaluation and treatment components for minors, 388-860-170 Certification standards for evaluation and treatment program for minors, 388-860-180 Outpatient component, 388-860-190 Emergency component, 388-860-200 Inpatient component, 388-860-210 Certification procedure—Waiv-

ers—Provisional certification—Renewal of certification, 388-860-220 Decertification, 388-860-230 Appeal procedure, 388-860-240 Involuntary evaluation and treatment costs—Seventy-two hour detention/fourteen-day commitments, 388-860-250 Involuntary evaluation and treatment costs—One hundred eighty-day commitments, 388-860-260 Involuntary treatment program administration costs—Seventy-two hour/fourteen-day commitment, 388-860-270 Involuntary treatment program transportation costs, 388-860-280 Involuntary treatment program—Legal costs, 388-860-290 Patient rights, 388-860-300 Confidentiality, 388-860-310 Confidentiality of court proceeding records, 388-860-315 Mental health service provider license and certification fees, 388-860-316 Fee payment and refunds and 388-860-317 Denial, revocation, suspension, and reinstatement; chapter 388-861 WAC, Voluntary admission—Involuntary commitment, treatment and/or evaluation of mentally ill persons, WAC 388-861-010 Purpose, 388-861-020 Definitions, 388-861-030 Private agencies which may admit voluntary patients, 388-861-040 Voluntary admission to public or private agency—Voluntary adult, 388-861-081 Periodic review—Voluntary inpatient, 388-861-090 Limitation on length of stay—Readmission voluntary patients, 388-861-110 Discharge of voluntary patient—Release of clinical summary, 388-861-115 Transfer of a patient between state-operated facilities for persons with mental illness, 388-861-131 Nonadmission of involuntarily detained person—Transportation, 388-861-141 Protection of patient's property—Involuntary patient, 388-861-151 Evaluation and examination—Involuntary patient, 388-861-161 Treatment prior to hearings—Involuntary patient, 388-861-171 Early release or discharge of involuntary patient—Release of clinical summary—Notification of court, 388-861-181 Conditional release—Involuntary patient, 388-861-191 Revocation of conditional release—Secretary's designee—Involuntary patient, 388-861-201 Discharge of indigent patient—Involuntary patient, 388-861-211 Advising patient of rights, 388-861-221 Restoration procedure for a former involuntarily committed person's right to firearm possession, 388-861-231 Conversion to voluntary status by involuntary patient—Rights, 388-861-241 Rights of patient, 388-861-261 Requirements for certifying evaluation and treatment components, 388-861-263 Certification standards for evaluation and treatment program, 388-861-271 Outpatient component, 388-861-281 Emergency component, 388-861-291 Short-term inpatient component, 388-861-293 Certification procedure—Waivers—Provisional certification—Renewal of certification, 388-861-295 Decertification, 388-861-297 Appeal procedure, 388-861-301 Alternatives to inpatient treatment, 388-861-341 Use of restraints and seclusion by agency not certified as an evaluation and treatment facility, 388-861-351 Research, 388-861-361 Involuntary evaluation and treatment costs—Responsibility of involuntary patient, 388-861-363 Involuntary evaluation and treatment costs—Collection by agency, 388-861-365 Involuntary evaluation and treatment costs—Responsibility of county, 388-861-367 Involuntary evaluation and treatment costs—Responsibility of department, 388-861-371 Exceptions to rules—Waivers, 388-861-400 Mental health service provider license and certification fees, 388-861-401 Fee payment and refunds and 388-861-

PERMANENT

402 Denial, revocation, suspension, and reinstatement; and chapter 388-862 WAC, Community mental health program, WAC 388-862-010 Purpose and authority, 388-862-020 Definitions, 388-862-030 Waiver of rules, 388-862-040 Department responsibilities and duties, 388-862-050 Regional support networks—General responsibilities and duties, 388-862-060 Regional support networks—Recognition and certification, 388-862-070 Regional support networks—Penalties for noncompliance, 388-862-080 Regional support networks—Governance and community accountability, 388-862-090 Regional support networks—Financial management, 388-862-100 Regional support network—Awareness of services, 388-862-110 Regional support networks—Resource management, 388-862-120 Regional support networks—Management information, 388-862-130 Regional support networks—Staff qualifications, 388-862-140 Regional support networks—Housing, 388-862-150 Regional support networks and prepaid health plans—Quality improvement, 388-862-160 Regional support networks and prepaid health plans—Ombuds service, 388-862-170 Regional support networks and prepaid health plans—Consumer grievances, 388-862-180 Prepaid health plans—Purpose, 388-862-190 Prepaid health plans—Eligible consumers, 388-862-200 Prepaid health plans—Exemptions, 388-862-210 Prepaid health plans—Enrolled recipient's choice of primary care provider, 388-862-220 Prepaid health plans—Other services, 388-862-230 Prepaid health plans—Emergency services, 388-862-240 Prepaid health plans—Consumer request for second opinion, 388-862-250 Prepaid health plans—Enrollment termination, 388-862-260 Prepaid health plans—Audit, 388-862-270 Licensing procedures for service providers—Application and approval, 388-862-275 Mental health service provider license and certification fees, 388-862-276 Fee payment and refunds, 388-862-277 Denial, revocation, suspension, and reinstatement, 388-862-280 Licensing procedures for providers—Licensure status, 388-862-290 Licensed service providers—Written schedule of fees, 388-862-300 Licensed service providers—Quality assurance, 388-862-310 Licensed service providers—Staff qualifications, 388-862-320 Licensed service providers—Qualifications appropriate to the needs of the consumer population, 388-862-330 Personnel management—Affirmative action, 388-862-340 Consumer rights, 388-862-350 Consent to treatment and access to records, 388-862-360 Services administration—Confidentiality of consumer information, 388-862-370 Research—Requirements, 388-862-380 Licensed service providers—Accessibility, 388-862-390 Crisis response services, 388-862-400 Brief intervention services, 388-862-410 Community support services—General requirements, 388-862-420 Community support services—Case management services, 388-862-430 Community support services—Residential services, 388-862-440 Community support services—Employment services, 388-862-450 Community support services—Psychiatric and medical services, 388-862-460 Community support services—In-home services, and 388-862-470 Community support services—Consumer or advocate run services.

Statutory Authority for Adoption: RCW 71.05.560, 71.24.035 (5)(c), 71.34.800, 9.41.047, 43.20B.020, and 43.20B.335.

Adopted under notice filed as WSR 01-07-116 on March 21, 2001, with supplemental filing WSR 01-09-078 on April 17, 2001.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-865-0201 (6)(g)(ii)(B), now reads as: "The number of state and county border counties in each RSN"; WAC 388-865-0201, new subsection (8) reads "To the extent authorized by the state legislature, RSN/PHPs may use local funds spent on health services to increase the collection of federal Medicaid funds. Local funds used for this purpose may not be used as match for any other federal funds or programs."; WAC 388-865-0203 (1)(a) and (b), reads: "...during the period January to December prior to the start of each biennium..."; WAC 388-865-0203 (1)(b), reads: "U is the number of each RSN's average daily census at the hospital during the 12 month period January to December prior to the start of each biennium divided by the average daily census at the hospital based on the utilization of hospital beds by RSNs included in the hospital catchment area..."; and WAC 388-865-0502, to reflect current practice, now reads, "At the discretion of the MHD an exception may be granted to allow a community facility to provide involuntary treatment to an adult. (1) For treatment in a facility that is not certified under WAC 388-865-0500 to persons on a 72-hour detention or 14-day commitment, the provider must submit a written request to the MHD. (2) For treatment on a 90 or 180-day inpatient involuntary commitment order, the RSN or its designee must submit a written request to the MHD..."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 18, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 2, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 99, Amended 0, Repealed 123.

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 99, Amended 0, Repealed 123.

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

May 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

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 01-14 issue of the Register.

WSR 01-12-052
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed June 1, 2001, 1:25 p.m.]

Date of Adoption: May 24, 2001.

Purpose: Establish a reduced license fee for charitable organizations involved in the exporting of drugs for humanitarian efforts.

Citation of Existing Rules Affected by this Order: Amending WAC 246-907-030.

Statutory Authority for Adoption: RCW 43.70.040, 42.70.250.

Other Authority: RCW 18.64.310.

Adopted under notice filed as WSR 01-09-088 on April 18, 2001.

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 1, 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.

June 1, 2001

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending WSR 98-10-052, filed 4/29/98, effective 5/30/98)

WAC 246-907-030 Fees and renewal cycle. (1) Pharmacist, pharmacy technician, and pharmacy intern licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) Pharmacy location, controlled substance registration (pharmacy), pharmacy technician utilization, and shopkeepers differential hours licenses will expire on June 1 of each year.

(3) All other licenses, including health care entity licenses, registrations, permits, or certifications will expire on October 1 of each year.

(4) The following nonrefundable fees will be charged for pharmacy location:

Title of fee	Fee
Original pharmacy fee	\$330.00
Original pharmacy technician utilization fee	60.00
Renewal pharmacy fee	240.00
Renewal pharmacy technician utilization fee	70.00
Penalty pharmacy fee	120.00

(5) The following nonrefundable fees will be charged for vendor:

Original fee	70.00
Renewal fee	70.00
Penalty fee	50.00

(6) The following nonrefundable fees will be charged for pharmacist:

Reexamination fee (jurisprudence portion)	45.00
Original license fee	120.00
Renewal fee, active and inactive license	125.00
Renewal fee, retired license	20.00
Penalty fee	62.50
Expired license reissuance (active and inactive)	62.50
Reciprocity fee	300.00
Certification of license status to other states	20.00
Retired license	20.00
Temporary permit	60.00

(7) The following nonrefundable fees will be charged for shopkeeper:

Original fee	30.00
Renewal fee	30.00
Penalty fee	30.00

Shopkeeper - with differential hours:

Original fee	30.00
Renewal fee	30.00
Penalty fee	30.00

(8) The following nonrefundable fees will be charged for drug manufacturer:

Original fee	540.00
Renewal fee	540.00
Penalty fee	270.00

(9) The following nonrefundable fees will be charged for drug wholesaler - full line:

Original fee	540.00
Renewal fee	540.00
Penalty fee	270.00

(10) The following nonrefundable fees will be charged for drug wholesaler - OTC only:

Original fee	300.00
Renewal fee	300.00
Penalty fee	150.00

(11) The following nonrefundable fees will be charged for drug wholesaler - export:

Original fee	540.00
Renewal fee	540.00
Penalty	270.00

PERMANENT

(12) The following nonrefundable fees will be charged for drug wholesaler - export nonprofit humanitarian organization.

Original fee	25.00
Renewal fee	25.00
Penalty	25.00

(13) The following nonrefundable fees will be charged for pharmacy technician:

Original fee	45.00
Renewal fee	35.00
Penalty fee	35.00
Expired license reissuance	35.00

((13)) (14) The following nonrefundable fees will be charged for pharmacy intern:

Original registration fee	15.00
Renewal registration fee	15.00

((14)) (15) The following nonrefundable fees will be charged for Controlled Substances Act (CSA):

Registrations	
Dispensing registration fee (i.e. pharmacies and health care entities)	75.00
Dispensing renewal fee (i.e. pharmacies and health care entities)	60.00
Distributors registration fee (i.e. wholesalers)	105.00
Distributors renewal fee (i.e. wholesalers)	105.00
Manufacturers registration fee	105.00
Manufacturers renewal fee	105.00
Sodium pentobarbital for animal euthanization registration fee	35.00
Sodium pentobarbital for animal euthanization renewal fee	35.00
Other CSA registrations	35.00

((15)) (16) The following nonrefundable fees will be charged for legend drug sample - distributor:

Registration fees	
Original fee	330.00
Renewal fee	240.00
Penalty fee	120.00

((16)) (17) The following nonrefundable fees will be charged for poison manufacturer/seller - license fees:

Original fee	35.00
Renewal fee	35.00

((17)) (18) The following nonrefundable fees will be charged for facility inspection fee:

180.00

((18)) (19) The following nonrefundable fees will be charged for precursor control permit:

Original fee	60.00
Renewal fee	60.00

((19)) (20) The following nonrefundable fees will be charged for license reissue:

Reissue fee	15.00
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((20)) (21) The following nonrefundable fees will be charged for health care entity:

Original fee	330.00
Renewal	240.00
Penalty	120.00

**WSR 01-12-070
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed June 4, 2001, 4:19 p.m.]

Date of Adoption: June 1, 2001.

Purpose: WAC 388-501-0050 Medical and dental general coverage, to explain the criteria for determining if services, equipment, and supplies are covered by the Medical Assistance Administration.

Citation of Existing Rules Affected by this Order: Amending WAC 388-501-0050.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 00-23-051 on November 13, 2000.

Changes Other than Editing from Proposed to Adopted Version: The following changes to the rule text, illustrated by ~~strikeout~~ and underline, were made since the rule was proposed on November 13, 2000:

(1) Covered Services

(a) Covered services are:

(i) Medical and dental services, equipment, and supplies that are within the scope of the eligible client's medical assistance program (see chapter 388-529 WAC) and listed as covered in MAA rules, ~~billing instructions, or numbered memoranda;~~ and

(ii) Determined by ~~MAA~~ to be medically necessary as defined in WAC 388-500-0005 or dentally necessary as defined in WAC 388-535-0150.

(b) Providers must obtain prior authorization (PA) or expedited prior authorization (EPA) when required by ~~WAC, billing instructions, or numbered memoranda~~ MAA

(i) See WAC 388-501-0165 for the ~~prior authorization (PA) process.~~

(ii) The EPA process is designed to eliminate the need for written and telephonic requests for prior authorization for selected services and procedure codes. MAA requires a provider to create an authorization number for EPA for selected procedure codes, using the process explained in the billing instructions for the specific service or program. See MAA

PERMANENT

billing instructions for specific criteria for the expedited prior authorization (EPA) process.

(iii) See chapter 388-538 WAC for managed care requirements.

(c) Covered services are subject to the limitations specified by ~~WAC, billing instructions, or numbered memoranda MAA~~. Providers must obtain ~~prior authorization PA or expedited prior authorization EPA~~ before providing services that exceed the specified limit (quantity, frequency or duration). This is known as a limitation extension.

(i) See WAC 388-501-0165 ~~for specific criteria for the prior authorization (PA) process.~~

(ii) The EPA process is designed to eliminate the need for written and telephonic requests for prior authorization for selected services and procedure codes. MAA requires a provider to create an authorization number for EPA for selected procedure codes, using the process explained in the billing instructions for the specific service or program. See MAA billing instructions for the expedited prior authorization (EPA) process.

(iii) See chapter 388-538 WAC for managed care requirements.

(d) MAA does not reimburse for covered services, equipment or supplies that are:

(i) ~~That are included in a DSHS waived program, e.g., COPES; or~~

(ii) ~~For an MAA client who is Medicare-eligible, if:~~

(A) ~~The services, equipment or supplies are covered under Medicare; and~~

(B) ~~Medicare has not made a determination on the claim or has not been billed by the provider Part of one of the Medicare programs for qualified Medicare beneficiaries.~~

(2) Noncovered Services

(a) MAA does not cover services, equipment or supplies to which any of the following apply:

(i) The service or equipment is not included as a covered service in the state plan;

(ii) Federal or state laws or regulations prohibit coverage;

(iii) The service or equipment is considered experimental or investigational by the Food and Drug Administration or the Health Care Financing Administration; or

(iv) MAA rules, ~~billing instructions, or numbered memoranda~~ do not list the service or equipment as covered.

(b) ~~If a noncovered service, equipment or supply is required under the EPSDT/Healthy Kids program, it will be reviewed for medical necessity as a covered service. MAA reviews all initial requests for noncovered services based on WAC 388-501-0165.~~

(c) MAA reviews all initial requests for noncovered services based on WAC 388-501-0165. If a noncovered service, equipment or supply is prescribed under the EPSDT program, it will be evaluated as a covered service and reviewed for medical necessity.

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 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 0, Amended 1, Repealed 0.

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

June 1, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-01-088, filed 12/14/99, effective 1/14/00)

WAC 388-501-0050 Medical ((services requiring approval)) and dental general coverage. All medical and dental services ((that are provided to clients of medical care programs are subject to review and approval for reimbursement by the)), equipment, and supplies provided to medical assistance administration (MAA) clients are subject to review, before or after payment has been made. MAA may deny or recover reimbursement for such services, equipment, and supplies based on these reviews.

(1) Covered Services

(a) Covered services are:

(i) Medical and dental services, equipment, and supplies that are within the scope of the eligible client's medical assistance program (see chapter 388-529 WAC) and listed as covered in MAA rules; and

(ii) Determined to be medically necessary as defined in WAC 388-500-0005 or dentally necessary as defined in WAC 388-535-0150.

(b) Providers must obtain prior authorization (PA) or expedited prior authorization (EPA) when required by MAA.

(i) See WAC 388-501-0165 for the PA process.

(ii) The EPA process is designed to eliminate the need for written and telephonic requests for prior authorization for selected services and procedure codes. MAA requires a provider to create an authorization number for EPA for selected procedure codes, using the process explained in the billing instructions for the specific service or program.

(iii) See chapter 388-538 WAC for managed care requirements.

(c) Covered services are subject to the limitations specified by MAA. Providers must obtain PA or EPA before providing services that exceed the specified limit (quantity, frequency or duration). This is known as a limitation extension.

(i) See WAC 388-501-0165 for the PA process.

(ii) The EPA process is designed to eliminate the need for written and telephonic requests for prior authorization for selected services and procedure codes. MAA requires a provider to create an authorization number for EPA for selected procedure codes, using the process explained in the billing instructions for the specific service or program.

(iii) See chapter 388-538 WAC for managed care requirements.

(d) MAA does not reimburse for covered services, equipment or supplies:

(i) That are included in a DSHS waived program; or

(ii) For a MAA client who is Medicare-eligible if:

(A) The services, equipment or supplies are covered under Medicare; and

(B) Medicare has not made a determination on the claim or has not been billed by the provider.

(2) Noncovered services

(a) MAA does not cover services, equipment or supplies to which any of the following apply:

(i) The service or equipment is not included as a covered service in the state plan;

(ii) Federal or state laws or regulations prohibit coverage;

(iii) The service or equipment is considered experimental or investigational by the Food and Drug Administration or the Health Care Financing Administration; or

(iv) MAA rules do not list the service or equipment as covered.

(b) MAA reviews all initial requests for noncovered services based on WAC 388-501-0165.

(c) If a noncovered service, equipment or supply is prescribed under the EPSDT program, it will be evaluated as a covered service and reviewed for medical necessity.

WSR 01-12-071

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Finance Division)

[Filed June 4, 2001, 4:21 p.m.]

Date of Adoption: May 30, 2001.

Purpose: Chapter 388-05 WAC, Contractor billing requirements—General, to limit the time vendors and providers can submit billing invoices to DSHS for payment. Vendors and providers would have no more than twelve months from the time a good or service was provided in which to bill the department.

Statutory Authority for Adoption: RCW 43.17.060.

Adopted under notice filed as WSR 01-08-077 on April 3, 2001.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to WAC 388-05-0005 to clarify that this rule does not supercede WAC 388-502-0150. Language was added to WAC 388-05-0010 to allow for exceptions under certain circumstances.

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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 3, 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 3, Amended 0, Repealed 0.

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

May 30, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Chapter 388-05 WAC

CONTRACTOR BILLING REQUIREMENTS—GENERAL

NEW SECTION

WAC 388-05-0001 What is the purpose of this chapter? The purpose of this chapter is to establish general procedures for contractors to follow when submitting claims for payment to the department of social and health services. Additional requirements may also apply.

NEW SECTION

WAC 388-05-0005 What contracts does this chapter apply to? This chapter applies to all contracts for personal or client services as defined in chapter 39.29 RCW and to all interlocal agreements governed by chapter 39.34 RCW. This chapter does not supersede WAC 388-502-0150 titled Time Limits for Providers to Bill Medical Assistance Administration (MAA).

NEW SECTION

WAC 388-05-0010 How soon does a contractor have to submit claims for payment to the department after the services are rendered? Each contractor who is rendering authorized services to the department or its clients shall submit claims for payment, as agreed upon between the department and the contractor, no later than twelve months after the date of service. If the claims for payment are not presented within the twelve-month period there shall not be a charge against the state. The twelve-month period may be shortened by contract or regulation. The twelve-month period may be extended by contract or regulation, but only if required by applicable state or federal law or regulation. The department may grant exceptions to the twelve-month period for initial claims when billing delays are caused by either of the following:

(a) The department's certification or authorization of services for a client for a retroactive period; or

(b) The provider proves to the department's satisfaction that there are other extenuating circumstances.

This provision shall apply to all claims for payment submitted on or after the effective date.

WSR 01-12-072
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 4, 2001, 4:24 p.m.]

Date of Adoption: June 1, 2001.

Purpose: The department recently reorganized its rules, establishing new chapters for several program and services. WAC 388-501-0300(2) lists services, equipment, supplies, and items that are now codified primarily in new chapters 388-543 and 388-531 WAC. In order to avoid unnecessary duplication, the department is amending WAC 388-501-0300 to eliminate the list in (2), clarify the remaining policies, and add cross-references to WAC 388-501-0165.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-501-0300.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 01-09-037 on April 11, 2001.

Changes Other than Editing from Proposed to Adopted Version: (1) The Medical Assistance Administration (MAA) pays only for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC)...

(2) Pursuant to WAC 388-501-0165, MAA covers equipment, supplies, or services that are listed as noncovered when the equipment, supplies, or services are medically necessary justified and: (a) Required Requested under the EPSDT/healthy kids program; or (b) included in an MAA waived program; or (c) Part of one of the medical assistance programs for Qualified Medicare beneficiaries (QMBs).

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 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 0, Amended 1, Repealed 0.

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

June 1, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3599 [WSR 00-23-052], filed 11/13/00, effective 12/14/00)

WAC 388-501-0300 Limits on scope of medical program services. (1) The medical assistance administration (MAA) ~~((shall pay))~~ pays only for equipment, supplies, and services that are listed as covered in MAA ~~((published issuances, including))~~ Washington Administrative Code (WAC), ~~((billing instructions, numbered memoranda, and bulletins, and))~~ when the items or services are:

(a) Within the scope of an eligible client's medical care program;

(b) Medically necessary as defined in WAC 388-500-0005;

(c) Billed according to the requirements in WAC 388-502-0100, 388-502-0110, and 388-502-0150; and

(d) Within accepted medical, dental, or psychiatric practice standards and are:

(i) Consistent with a diagnosis; and

(ii) Reasonable in amount and duration of care, treatment, or service.

~~((d) Not listed under subsection (2) of this section; and~~

~~((e) Billed according to the conditions of payment under WAC 388-87-010.~~

~~(2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:~~

~~(a) Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:~~

~~(i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;~~

~~(ii) Enuresis (bed wetting) training equipment;~~

~~(iii) Recliner and/or geri chairs;~~

~~(iv) Exercise equipment;~~

~~(v) Whirlpool baths;~~

~~(vi) Telephones, radio, television;~~

~~(vii) Any services connected to the telephone, television, or radio;~~

~~(viii) Homemaker services;~~

~~(ix) Utility bills; or~~

~~(x) Meals delivered to the home.~~

~~(b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or HCFA consider investigative or experimental on the date the services are provided;~~

~~(c) Physical examinations or routine checkups;~~

~~(d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;~~

~~(e) Routine foot care that includes, but not limited to:~~

~~(i) Medically unnecessary treatment of mycotic disease;~~

~~(ii) Removal of warts, corns, or calluses;~~

~~(iii) Trimming of nails and other hygiene care; or~~

~~(iv) Treatment of asymptomatic flat feet.~~

~~(f) More costly services when less costly equally effective services as determined by the department are available;~~

PERMANENT

WSR 01-12-073

PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 4, 2001, 4:26 p.m.]

Date of Adoption: June 1, 2001.

Purpose: These amendments implement the increased federal standards for the one-person medically needy income level, for the medically indigent program and the SSI-related categorically needy income level.

Citation of Existing Rules Affected by this Order: Amending WAC 388-478-0070 and 388-478-0080.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500.

Other Authority: Section 1924 (42 U.S.C. 1396R-5).

Adopted under notice filed as WSR 01-09-068 on April 16, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, 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 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 2, Repealed 0.

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

June 1, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-10-095, filed 5/2/00, effective 5/2/00)

WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and medically indigent (MI) programs. (1) Beginning January 1, ~~(2000)~~ 2001, the medically needy income level (MNIL) and MI monthly income standards are as follows:

(a) One person	\$ ((539)) 556.00
(b) Two persons	\$592
(c) Three persons	\$667
(d) Four persons	\$742
(e) Five persons	\$858
(f) Six persons	\$975
(g) Seven persons	\$1,125
(h) Eight persons	\$1,242

~~(g) Procedures, treatment, prosthetics, or supplies related to gender dysphoria surgery except when recommended after a multidisciplinary evaluation including but not limited to urology, endocrinology, and psychiatry;~~

~~(h) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;~~

~~(i) Acupuncture, massage, or massage therapy;~~

~~(j) Orthoptic eye training therapy;~~

~~(k) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;~~

~~(l) Parts of the body, including organs, tissues, bones, and blood;~~

~~(m) Blood and eye bank charges;~~

~~(n) Domiciliary or custodial care, excluding nursing facility care;~~

~~(o) Hair pieces, wigs, or hair transplantation;~~

~~(p) Biofeedback or other self-help care;~~

~~(q) Marital counseling or sex therapy;~~

~~(r) Any service specifically excluded by statute; and~~

~~(s) Home births, except when provided as an approved service under MAA's planned home birth pilot project.~~

~~(3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program))~~

(2) Pursuant to WAC 388-501-0165, MAA covers equipment, supplies, or services that are listed as noncovered when the equipment, supplies, or services are medically necessary and:

(a) Requested under the EPSDT program; or

(b) Included in an MAA waived program.

(3) When a client or a client's representative requests equipment, supplies, or services that are listed as noncovered, MAA evaluates the request under WAC 388-501-0165.

(4) MAA evaluates requests for covered equipment, supplies, or services that are subject to limitations or other restrictions, and approves such equipment, supplies, or services beyond those limitations or restrictions when medically necessary, under the standards for covered services in WAC 388-501-0165.

(5) MAA evaluates a request for a service that is in a covered category, but is determined to be experimental or investigational under WAC 388-531-0550, under the provisions of WAC 388-501-0165 which relate to medical necessity.

(6) Clients are responsible for payment as described under WAC 388-502-0160, for services that are not covered under the client's medical care program.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

PERMANENT

- (i) Nine persons \$1,358
- (j) Ten persons and more \$1,483

(2) The MNIL standard for a person who meets institutional status requirements is in WAC 388-513-1305(3).

(3) Countable resource standards for the MN and MI programs are:

- (a) One person \$2,000
- (b) Two persons \$3,000
- (c) For each additional family member add \$50

AMENDATORY SECTION (Amending WSR 00-10-095, filed 5/2/00, effective 5/2/00)

WAC 388-478-0080 SSI-related categorically needy income level (CNIL) and countable resource standards.

(1) The SSI-related CNIL standard is the same as the SSI monthly payment standard based upon the area of the state where the person lives. Area 1 is defined as the following counties: King, Pierce, Snohomish, Thurston, and Kitsap. Area 2 is all other counties. Beginning January 1, ~~((2000))~~ 2001, the CNIL monthly income standards are as follows:

	Area 1	Area 2
(a) Single person	\$(539.00) <u>555.90</u>	\$(518.55) <u>535.45</u>
(b) A legally married couple who are both eligible	\$(790.00) <u>815.90</u>	\$(769.00) <u>796.00</u>
(c) Supplied shelter	<u>\$357.05</u>	<u>\$357.05</u>

(2) The countable resource standards for the SSI-related CN medical program are:

- (a) One person \$2,000
- (b) A legally married couple \$3,000

WSR 01-12-079
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 5, 2001, 12:59 p.m.]

Date of Adoption: June 1, 2001.

Purpose: WAC 16-403-141, to establish a permanent general harvest release date for Golden Delicious varieties of apples; WAC 16-403-143, to establish a permanent general harvest release date for Granny Smith variety of apples; and WAC 16-403-220, to establish a crop year marking requirement on all apple cartons.

Citation of Existing Rules Affected by this Order: Chapter 16-403 WAC, Standards for apples marketed within the state of Washington; amending WAC 16-403-141, 16-403-143, and 16-403-220.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Adopted under notice filed as WSR 01-08-068 on April 3, 2001.

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 3, Repealed 0.

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

June 1, 2001

Jim Jesernig

Director

Chapter 16-403 WAC

**STANDARDS FOR APPLES MARKETED WITHIN
THE STATE OF WASHINGTON**

AMENDATORY SECTION (Amending WSR 99-14-036, filed 6/29/99, effective 7/30/99)

WAC 16-403-141 Red Delicious, Delicious, Golden Delicious—Minimum soluble solids. For harvest of the crop of the current growing season, apples of the Red Delicious and Delicious varieties cannot be shipped prior to October 1, unless they have at least ten percent soluble solids as determined by refractometer. Apples of the Golden Delicious varieties, cannot be shipped prior to ~~((the general release as established by the Delicious maturity committee of the Washington state horticultural association))~~ September 20 unless they have at least ten and one-half percent soluble solids as determined by refractometer.

AMENDATORY SECTION (Amending WSR 92-15-056, filed 7/13/92, effective 8/13/92)

WAC 16-403-143 Granny Smith—Starch-iodine requirements. ~~((Prior to the general release date))~~ For harvest of the crop of the current growing season, ~~((as established by the Delicious maturity committee of the Washington state horticultural association, shipment shall not be allowed of))~~ apples of the Granny Smith variety ~~((which fail to))~~ cannot be shipped prior to October 10 unless they meet the stage of maturity as indicated by starch-iodine rating of 1.2 on the Cascade Analytical Inc. chart: Provided, That any such lot of apples may be shipped if not more than ten percent of the apples tested fail to meet the 1.2 rating.

PERMANENT

AMENDATORY SECTION (Amending Order 5005, filed 8/30/93, effective 9/30/93)

WAC 16-403-220 Marking requirements—Open or closed containers. (1) The containers shall bear the correct name of the variety or "variety unknown," the name of the grower, packer, or distributor, and his address, the grade, the numerical count or the minimum diameter of apples packed in a closed container, and the net contents either in terms of dry measure or weight. The minimum weight of individual apples within the container may be stated in lieu of, in combination with, or in addition to, minimum diameter as a declaration of size. All open containers and consumer packages must bear statement of net weight or volume.

(a) When the numerical count is not shown, the minimum diameter or minimum weight of individual apples shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, or whole inches and not less than eight inch fractions thereof or in terms of whole grams.

(b) When used in combination with minimum diameter as a size designation, the following minimum fruit weights shall be used:

Red Delicious	Golden Delicious
2 1/8 in. or 65 grams	63 grams
2 1/4 in. or 75 grams	70 grams
2 3/8 in. or 84 grams	82 grams
2 1/2 in. or 100 grams	95 grams
2 5/8 in. or 115 grams	109 grams
2 3/4 in. or 139 grams	134 grams

(c) The word "minimum," or its abbreviation, when following a diameter size or weight size marking, means that the apples are of the size marked or larger.

(2) Over-wrapped consumer units may be marked with count, if all specimens can be counted.

(3) Any of these marks may be placed on either the end or side of the container. (California requires end markings.)

(4) When containers are marked as to number, each container shall contain the correct number of apples designated by the markings.

(5) Grade markings on consumer-type packages must be at least one-fourth inch in height.

(6) Apples which were produced outside of the state of Washington and which are graded, packed, or repacked in the state of Washington, shall be correctly labeled as to the state or country of origin, e.g., "Product of Oregon," "Grown in Oregon," "Produced in Canada."

Such marking shall be placed on the same end or side panel of the container as other markings related to grade, variety, net contents, and name and address of the grower, packer, or distributor, and shall be of similar print size. Consumer type packages shall not be required to bear a statement as to origin when such marking has been placed on the master shipping container.

(7) Containers shall be marked with the harvest year beginning on October 1 of each year and be applied only to apples harvested in the previous year; that this marking shall

occur at the time of shipment; and be displayed on the principal display panel with letters of a minimum of one-half inch in height.

**WSR 01-12-099
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed June 6, 2001, 9:59 a.m.]

Date of Adoption: June 6, 2001.

Purpose: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-57-120, 308-57-130, 308-57-135, 308-57-500, and 308-96A-410; and amending WAC 308-57-005, 308-57-010, 308-57-020, 308-57-030, 308-57-110, 308-57-140, 308-57-210, 308-57-230, 308-57-240, 308-96A-099 Use class descriptions, 308-96A-135 Fixed load vehicles, 308-96A-145 Cab and chassis, 308-96A-202 Power units towing trailers with permanent registrations, 308-96A-203 Permanent trailer registrations, and 308-96A-400 Excise tax exemption—Indians.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 01-08-051 on April 2, 2001.

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 16, Repealed 5.

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 16, Repealed 5.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 16, Repealed 5; 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.

June 6, 2001

Fred Stephens

Director

AMENDATORY SECTION (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

WAC 308-96A-099 Use class descriptions. (1) Why does the department assign use classes to vehicles?

The department assigns use classes to:

(a) Assess the proper license fees and (~~excise tax~~) taxes for vehicles;

(b) Assign special brands on subsequent owner's certificate of ownership;

PERMANENT

- (c) Apply certain restrictions on the use of the vehicles, which prints on the vehicle registrations;
- (d) Assign the proper license plates.
- (2) Under what authority does the department assign use classes to vehicles?

The department assigns use classes under the authority of RCW 46.16.040.

(3) What use classes does the department assign and when do they apply?

The use classes the department assigns are described below:

PERMANENT

ABBREVIATION	TRANSLATION	DESCRIPTION
CAB	TAXI CAB	Vehicle is used for carrying passengers between two points for compensation for an on-demand trip rather than a scheduled route. A vehicle with this use class may not carry any luggage or commodities that do not belong to a passenger being carried at the same time. In other words, the vehicle cannot just carry cargo between two points.
C/G	CONVERTER GEAR	Vehicle is an axle that is used to convert a semi-trailer to a full trailer. A converter gear may be titled but may not be licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and towing a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB use class, or FCB depending on what is being hauled.
CMP	CAMPER	Vehicle is a slide-in pickup camper (not a canopy) as defined in RCW 46.04.085. Even if the owner has chosen to permanently attach the camper to the pickup, the units need to be titled and licensed separately.
COM	COMMERCIAL	Vehicle is either (1) a power unit that does not pull a trailer or that pulls a trailer but the gross weight for the truck and trailer does not exceed 40,000 pounds; or (2) a trailing unit that is titled in a business name (including the name of a farm). A commercial trailer may be towed by a vehicle with PAS, TRK, COM, CMB, FAR or FCB use classes. If the trailer is being towed by a vehicle with FAR or FCB use class, the use of the trailer (items carried, etc.,) must meet the farm use class requirements.
CYC	MOTORCYCLE	Vehicle is a motorcycle, motor driven cycle or scooter. A moped does not qualify to be licensed as a motorcycle as defined in RCW 46.04.330 and 46.04.332.
EX	EXEMPT	Vehicle can be any type of vehicle, which is owned by a city, county or state government agency or federally recognized Indian tribe located in the state of Washington. This includes school buses, which are owned or leased by school districts. If the school district contracts a company to provide total bus service, such as the bus, the driver and the maintenance, and the vehicle is registered in the name of the school district as registered owner, the vehicle qualifies for exempt license plates.
FAR	FARM	Vehicle is a truck (or tractor) used to transport the farmer's own farm, orchard or dairy products as defined in RCW 46.16.090, or aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. The vehicle may also be used to transport the farmer's own farm supplies.
FCB	FARM COMBINATION	Vehicle is (1) a power unit (not a trailer) with a declared gross weight of 42,000 pounds or more and towing a trailer; and (2) meets the criteria of FAR use class above.
FED	FEDERAL	Vehicle is owned by the federal government of the United States. Like exempt vehicles, this could be any type of vehicle. This does not include vehicles displaying license plates issued by the federal government.
FEX	FARM EXEMPT	Vehicle is used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181. The vehicle is usually a truck, but it could also be a bus, a motorcycle or off-road cycle.

ABBREVIATION	TRANSLATION	DESCRIPTION
FIX	FIXED LOAD	Vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law, which requires vehicles with a scale weight of more than six thousand pounds to have a declared gross weight of at least 150 percent of the scale weight. The basic license fee is based on the declared gross weight, or the next two thousand pound increment above the scale weight, or the next two thousand pound increment above the legal maximum gross weight as determined by the Washington state patrol or department of transportation. Fixed load vehicles are the only ones whose gross weight may actually be less than their scale weight, depending on their legal maximum gross weight. An oversize permit is required in addition to the registration in these cases.
F/H	FOR HIRE	Vehicle is used to transport people and/or commodities for compensation as defined in RCW 46.72.010. A for hire permit from business and professions division (BPD) is required.
H/C	HORSELESS CARRIAGE	Vehicle is a motorized vehicle over 40 years old with limited use as defined in RCW 46.16.307. The vehicle may not be used for normal transportation to and from work, to go to the store and pick up groceries, and so on.
H/D	HOUSE DOLLY	Vehicle constructed and used exclusively to move buildings or homes.
LOG	LOGGING	Vehicle is a truck or trailer used exclusively for hauling logs.
MH	MOTOR HOME	Motorized vehicle designed for human habitation and defined in RCW 46.04.305
MOB	MOBILE HOME	Vehicle is a manufactured home as defined in RCW 46.04.302. Mobile homes are titled but generally not registered because of their size. Manufactured homes are taxed by the county, either as personal property or real property.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road. A vehicle licensed only as an ORV may not be operated on public roadways or ocean beaches.
PAS	PASSENGER	Vehicle is used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private busses are licensed as passenger vehicles.
PED	MOPED	Vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.
PER	PERSONAL	Vehicle is a personal use trailer as defined in RCW 46.16.065. Trailers owned by businesses or used for commercial purposes do not qualify for this use class.
RES	RESTORED	Vehicle is a motorized collector vehicle over 30 years old with limited use as defined in RCW 46.16.307. The vehicle may display either a collector vehicle license plate provided by the department or a license plate, which must have been first issued, for use the year the vehicle was manufactured. The vehicle must be currently registered in order to be assigned this use class and receive a special collector license plate or authority to use a restored license plate.
SCH	SCHOOL	Vehicle is owned and operated by a private school meeting the accreditation requirements of RCW 28A.195.010. The vehicle is used to transport children to and from school or in connection with school activities.
SNO	SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.020(2).
SNX	EXEMPT SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.010(2) and owned by a city, county or state agency.
STA	STAGE	Vehicle is used as an auto stage as defined in RCW 46.04.050.

PERMANENT

ABBREVIATION	TRANSLATION	DESCRIPTION
TLR	TRAILER	Vehicle is a personal use trailer as defined in RCW 46.04.620 but does not meet the size criteria for a PER use class. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Vehicle is a tow truck as defined in RCW 46.16.079 and 46.55.010(8). If the vehicle carries other vehicles, it does not qualify for the TOW use class and must be licensed as COM.
TRK	TRUCK	Vehicle is a personal use, light duty truck, with a declared gross weight of twelve thousand pounds or less. Trucks used for business or commercial purposes do not qualify for the TRK use class.
TVL	TRAVEL TRAILER	Vehicle is a travel trailer as defined in RCW 46.04.623, which includes park models of four hundred square feet or less and camp/tent trailers. It is designed and manufactured for temporary habitation.

(4) What use classes may the department assign to specific types of vehicles?

Use classes are assigned as listed below:

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
PASSENGER CARS	CAB, COM, EX, FED, F/H, H/C, PAS, RES, ORV, FEX, STA	COM-Scale weight((<u>Statement of use</u>) <u>seating capacity required for F/H and STA-Scale weight, ((Number of) if more than six seats</u>
LIGHT DUTY TRUCKS (INCLUDING SMALL VANS)	COM, EX, FAR, FED, FEX, H/C, RES, STA, TOW, TRK, FIX, F/H, ORV	F/H and STA-Number of seats All use classes-Scale weight
MEDIUM/HEAVY DUTY TRUCKS (INCLUDING BUSES)	CMB, COM, EX, FAR, FCB, FEX, FIX, LOG, SCH, TOW, TRK, FED, H/C, RES, F/H	F/H and STA-Number of seats All use classes-Scale weight
TRAILERS	C/G, CMB, COM, EX, FEX, LOG, PER, TLR, FED	PER-Number of wheels All use classes-Scale weight
CYCLES		
MOTORCYCLES	CYC, EX, FED, FEX, H/C, ORV, RES	
MOPEDS	EX, FED, FEX, ORV, PED	
SNOWMOBILES	SNO, SNX	
UTILITY/MULTIPURPOSE VEHICLES	CAB, COM, EX, FED, F/H, PAS, STA, TRK, FAR, FEX, H/C, ORV, RES, SCH	COM, F/H, STA, TRK, FAR and FEX-Scale weight F/H and STA-Number of seats
RECREATION VEHICLES		
TRAVEL TRAILERS (INCLUDING CAMP AND TENT TRAILERS)	EX, FED, TVL	
CAMPERS	CMP, EX, FED	
MOTOR HOMES	EX, FED, MH	
NOTE: Gross weight and seat requirements per RCW 46.16.040.		

(5) Do all powered three-wheeled vehicles need to be licensed as motorcycles?

No. If the vehicle qualifies as a motorcycle as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a motorcycle for street use. However, if the vehicle has a bench seat and a steering wheel as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a passenger vehicle or truck.

(6) What license plates and use class will be assigned to my for hire vehicle?

The license plates and use class assigned to your for hire vehicle depends upon how you use your vehicle. All for hire

vehicles transport passengers and commodities for compensation. For hire vehicles include cabulances, limousines, taxi cabs, and busses hauling passengers for compensation in addition to transporting school children. There are two use classes and license plate combinations assigned to for hire vehicles:

(a) CAB use class vehicles are assigned passenger license plates. These vehicles are used exclusively for transporting passengers and their possessions; and

(b) F/H use class vehicles are assigned truck license plates. These vehicles not only transport passengers for com-

PERMANENT

pensation, but also transport commodities, without passengers, for compensation.

(7) When may truck license plates be assigned to my passenger vehicle?

Truck license plates may be assigned to your passenger vehicle whenever the vehicle is used to transport commodities, produce, freight or animals for commercial purposes. The use class would be COM instead of PAS. This would require a title application, a scale weight slip and a certified/notarized statement of use describing how the vehicle will be used commercially.

(8) When may passenger license plates be assigned to my pick-up truck?

Passenger license plates may only be assigned to your pick-up truck if it has been modified to qualify as a passenger vehicle. The department requires confirmation from the Washington state patrol that the vehicle has been modified to qualify for passenger use.

(9) What use classes and license plates will be assigned to school buses?

(a) EX use class and county exempt license plates will be assigned to a school bus owned or leased by an exempt agency (school district);

(b) SCH use class and passenger license plates will be assigned to a school bus owned or leased by an accredited private school; or

(c) F/H use class and truck license plates will be assigned to school buses used for transporting passengers for compensation and not used exclusively for transporting school children to and from school or school related activities.

(10) May I license my motorcycle or any other motor vehicle for both road and off road use?

Yes, you may license your motorcycle or any other motor vehicle for both uses as long as the vehicle qualifies for road use. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(11) May I license my amphibious vehicle as a vehicle and a vessel?

Yes, you may license your amphibious vehicle for both uses as long as it qualifies for both uses. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(12) May I license my truck, truck tractor or tractor as a motor home?

Yes, you may license your truck, truck tractor or tractor as a motor home if:

(a) The vehicle meets the definition of a motor home in RCW 46.04.305; and

(b) You provide a Washington state patrol inspection confirming your vehicle may be licensed as a motor home; and

(c) You certify the vehicle will be used exclusively as a motor home and is not used for commercial use.

(13) Is my truck, truck tractor or tractor which I use exclusively for towing my travel trailer licensed differently than any other like truck?

No. Your truck, truck tractor or tractor used exclusively for towing your travel trailer must be licensed in accordance with RCW 46.16.070. Depending on scale weight the use class will be TRK or COM.

AMENDATORY SECTION (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

WAC 308-96A-145 Cab and chassis. (1) What is a cab and chassis?

A cab and chassis is an incomplete truck shipped from the manufacturer. The customer chooses the type of bed to be installed.

(2) Will the department issue a certificate of ownership for my cab and chassis?

Yes. However, because the cab and chassis is an incomplete vehicle, when the body or special equipment has been installed you must apply for a new certificate of ownership to reflect the correct series and body type, scale weight and the completed vehicle's new value.

(3) Will the department issue a certificate of registration for my cab and chassis?

Yes, if you intend to use the vehicle on the public highways. The gross weight will be limited to one hundred fifty percent of the scale weight. Gross weight is rounded up to the nearest two thousand pound increment and may not be increased until the certificate of ownership is corrected to reflect the completed vehicle information.

(4) What do I need to provide the department when my cab and chassis has been converted to a complete vehicle and I am applying for a new license and certificate of ownership?

Whether you titled the cab and chassis or waited until the vehicle was completed before titling, you need to provide the department with the following before you use the completed vehicle on the public highways:

(a) Proof of ownership for the cab and chassis;

(b) Proof of ownership for the equipment installed to make it a complete vehicle;

(c) A weight slip from a certified scale;

(d) Proof or payment of sales or use tax on the equipment installed to make a complete vehicle; and

(e) Applicable fees and ~~((excise tax))~~ taxes for any increased value of the completed vehicle.

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-202 Power units towing trailers with permanent registrations. (1) What determines if I pay the higher gross weight fees ~~((and additional excise tax on my power unit))~~?

If the declared gross weight of the power unit exceeds forty thousand((s)) pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combina-

PERMANENT

tion (CMB) or farm combination (FCB) use class. This results in higher gross weight fees (~~and excise tax~~).

(2) How do I change to a CMB or FCB use class during the registration year?

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) ~~((Pay the additional excise tax for the remaining months of the registration year;~~

(b)) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

((e)) (b) Immediately attach the combination decals between the lower boltholes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) What if I change to a CMB or FCB use class at renewal time?

If you change use class at renewal time, you will pay the ~~((additional excise tax and))~~ gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) What if I change from CMB or FCB to COM or FAR?

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. ~~((If you change use class during the registration year, you would forfeit the higher amount of excise tax paid.))~~ Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

(5) If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?

No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650.

AMENDATORY SECTION (Amending WSR 99-01-133, filed 12/21/98, effective 1/21/99)

WAC 308-96A-203 Permanent trailer registrations.

(1) Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?

The power unit must have a combination (CMB) or farm combination (FCB) use class.

(3) How does the power unit qualify for the CMB or FCB use class?

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a ~~((higher excise tax rate and))~~ higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually. And your trailer plate will have a permanent trailer validation tab assigned to it.

(5) Are there any restrictions on the use of the trailer with permanent plates?

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

(6) How long is the permanent registration valid?

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees. The license plates must be replaced when ownership changes on a trailer with CMB use class.

(8) What type of plates do I display on a trailer with a permanent registration?

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

(9) How is the expiration date established for a permanent trailer registration?

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

(10) Do I need to get a new plate when I get a permanent trailer registration?

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and

PERMANENT

the new owner does not wish to license the trailer, may a title purpose only title be issued?

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

(a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or

(b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?

No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650.

AMENDATORY SECTION (Amending WSR 99-19-026, filed 9/8/99, effective 10/9/99)

WAC 308-96A-400 Excise tax exemption—Indians.

(1) **What definitions does the department apply to this section?** For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian (~~(reservation))~~ country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian (~~(reservations))~~ country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and C.F.R. 25.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying (~~(an))~~ Indian (~~(reservation))~~ country.

(2) **What Indian (~~(reservations))~~ country tribes in Washington are recognized by the United States Department of the Interior?** The (~~(following are the))~~ only Washington "Indian (~~(reservations))~~ tribes" are those currently recognized as such by the United States Department of the Interior (~~(: Chehalis Confederated tribes, Colville Confederated tribes, Hoh tribe, Jamestown S'Klallam tribe, Kalispell tribe, Lower Elwha Klallam tribe, Lummi Nation, Makah tribe, Muckleshoot tribe, Nisqually tribe, Nooksack tribe, Port Gamble S'Klallam tribe, Puyallup tribe, Quileute tribe, Quinault Nation, Samish Nation, Sauk-Suiattle tribe, Shoalwater Bay tribe, Skokomish tribe, Spokane tribe, Squaxin Island tribe, Stillaguamish tribe, Suquamish tribe, Swinomish tribe, Tulalip tribes, Upper Skagit tribe, Yakama Nation)).~~ As of the effective date of this rule, there are twenty-eight federally recognized tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909

Olympia, WA 98504-0909

360-753-2411

(3) **How does an Indian qualify for a motor vehicle excise tax exemption?** To qualify for (~~(a motor vehicle))~~ an RTA excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of (~~(the))~~ Indian (~~(reservation))~~ country of the tribe of which they are a member (~~(- Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW));~~ and

(c) Be a registered owner of the vehicle for which the exemption is requested.

(4) **Are vehicles owned or leased by a governing body of an Indian tribe subject to (~~(motor vehicle))~~ RTA excise tax?** No. Vehicles owned or leased by a governing body of an Indian tribe are not subject to (~~(motor vehicle))~~ the RTA excise tax as provided in RCW 46.16.020 and 46.16.022. (~~(Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.))~~

(5) **What documentation does the department require from a tribal member to qualify for (~~(a motor vehicle))~~ an RTA excise tax exemption?** The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vehicle must be submitted at the time the exemption is established and at the time of renewal if there is a change of address and the new address is located inside the RTA boundary. The department may require such other proof of qualification for exemption, as it deems necessary.

(6) **What information must be contained within the affidavit of exemption described in subsection (5) of this section?** At the minimum, the affidavit of exemption must include the following:

(a) Description of the vehicle including the year and make and either the license plate number or the vehicle identification number;

(b) The registered owner's name, tribe, (~~(reservation))~~ their enrollment numbers and the address in Indian country where the registered owner lives, as will be shown on the vehicle registration certificate; and enrollment or Bureau of Indian Affairs number;

(c) (~~(The principal address of the registered owner as will be shown on the vehicle registration certificate;~~

(~~(d))~~) Signature of the registered owner;

(~~(e))~~) ((d)) A certification of an authorized tribal authority representing the Indian (~~(reservation of the))~~ tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered

owner is within the boundaries of their ~~((reservation))~~ Indian country;

~~((#))~~ (e) The position or title of the tribal authority, their telephone number and their signature.

(7) **Are there any types of vehicles for which the Indian RTA excise tax exemption does not apply?** No, the Indian RTA excise tax exemption applies to all types of vehicles for which RTA excise tax is due.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-410 Study fee.

AMENDATORY SECTION (Amending WSR 99-06-029, filed 2/24/99, effective 3/27/99)

WAC 308-96A-135 Fixed load vehicles. ~~((#))~~ **What is a fixed load vehicle?**

A fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

~~((2))~~ **Am I required to pay excise tax when I license my fixed load vehicle?**

~~Washington law requires vehicles used on the public highways to be assessed excise tax. If your fixed load vehicle is used incidentally on the public highways and its primary purpose is not transportation, you may be eligible to place your vehicle on the county personal property tax rolls. If you provide the department with proof that your vehicle is listed on the county personal property tax rolls, you will pay personal property tax in lieu of excise tax.)~~

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-005 Definitions. The following definitions apply to the terminology used in this chapter:

(1) ~~((~~ "Excise tax fee schedule one" means the depreciation table described in RCW 82.44.041 (3)(b).

(2) "Excise tax fee schedule two" means the depreciation table described in RCW 82.44.041(1).

(3) "Excise tax fee schedule three" means the depreciation table described in RCW 82.50.425(2).

(4) "Excise tax fee schedule four" means the depreciation table established for power units towing trailers with permanent plates issued in accordance with RCW 46.16.068.

(5) "RTA excise tax fee schedule five" means the depreciation table described in RCW 82.44.041 (3)(b) for use in the Central Puget Sound Regional Transit Authority area.

(6)) "RTA excise tax ((fee)) schedule ((six*))" means the value depreciation table described in RCW 82.44.041(1) for use in the Central Puget Sound Regional Transit Authority area.

~~((7))~~ (2) "Fleet" means any person with ~~((fifteen))~~ five or more vehicles registered in the same name.

~~((8))~~ (3) "Light duty truck" means a truck which is smaller than a truck type power unit. The empty scale weight

is six thousand pounds or less. It includes vehicles such as pickup trucks, vans, and utility vehicles.

~~((9))~~ (4) "MSRP" means the base manufacturer's suggested retail price as defined in RCW 82.44.041(3) and 82.50.425.

~~((10))~~ (5) "Purchase price" means the selling price of the vehicle before deducting for trade-in value or adding sales/use tax.

~~((11))~~ (6) "Registered within a county" means the county which the vehicle registered owner indicates as their resident address.

~~((12))~~ (7) "Tax code" means a two-digit alpha, numeric, or alpha-numeric representation of a value assigned by the department of revenue to passenger vehicles, light duty trucks, and motor homes prior to vehicle model year 1986. This value represents the value of the vehicle when first offered for sale. In 1986 and thereafter, the MSRP is used to represent the value of the vehicle.

~~((13))~~ (8) "Truck type power unit" means trucks as defined in RCW 82.44.010(3). This includes vehicles with FIX (fixed load), or TOW (tow truck) use classes, regardless of scale weight; CMB (combination), COM (commercial), FAR (farm), FCB (farm combination), F/H (for hire), LOG (logging trucks), STA (stage), and TRK (trucks whose empty scale weights exceed six thousand pounds and whose declared gross weight does not exceed twelve thousand pounds) use class.

~~((14))~~ (9) "Truck type trailing unit" means trailers as defined in RCW 82.44.010(3). This includes trailers with CMB (combination), LOG (logging), and COM (commercial) use classes.

~~((15))~~ (10) "Value code" means the value which is used to calculate the excise tax. In determining the value code, it may be a tax code, purchase price, assessor's appraisal, or MSRP.

~~((16))~~ (11) "Regional Transit Authority" or "(RTA)" means the Central Puget Sound Regional Transit Authority or Sound Transit.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-010 Premise for assessing RTA excise tax. ~~((Truck type power units and trailing units))~~ All trailers and all vehicles where MSRP is not available are taxed according to the most recent purchase price and purchase year and the depreciation rates in the RTA excise tax fee schedule((s two, four or six)). All other vehicles as noted on the first MSRP, the year of service or value year are taxed using the value of the vehicle ((when it was first offered for sale)) and the ((appropriate)) RTA excise tax fee schedule. Current physical condition, mileage, or monetary value of a particular vehicle is not used to determine excise tax.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-020 Modified vehicles. All new or unused vehicles modified by a licensed manufacturer, ~~((including but not limited to, van conversions, sport utility~~

~~vehicles, and limousines,))~~ shall be taxed according to the MSRP provided by the modifying manufacturer plus the cost involved in converting the vehicle. Modified vehicles include, but are not limited to, vans, pickups, utility vehicles and limousines, incomplete vehicles and kits. If the vehicle is modified by someone other than a licensed manufacturer, the original MSRP issued for the vehicle prior to the modifications plus the costs of the modifications shall be used.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-030 Declaration of value. If there is no ~~((tax))~~ value code for a model year 1985 or older model vehicle and there is no MSRP information available for a model year 1986 or newer model vehicle, the owner may be required to provide a certified declaration of original value and supporting documentation to be used as the basis for assessing the RTA excise tax.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-110 RTA excise tax fee schedule~~((s one and five))~~. Vehicles with the following use classes are ~~((taxed according to))~~ assessed RTA excise tax ~~((fee schedule one and when applicable, schedule five))~~ as defined in RCW 81.104.160:

- CAB (taxicab)
- COM (commercial) (if powered and the scale weight is six thousand pounds or less)
- CYC (motorcycle)
- ~~((FAR (farm) (if powered and the scale weight is six thousand pounds or less)))~~
- F/H (for hire) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less)
- LOG (if powered and under six thousand pounds scale weight or if nonpowered)
- MH (motor home)
- PAS (passenger)
- PER (nonpowered personal use trailer)
- STA (stage) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less)
- TLR (nonpowered trailer)
- TRK (if the scale weight is six thousand pounds or less)

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-140 RTA excise tax exemptions. The following vehicles are exempt from RTA excise taxes imposed in chapter~~((s 82.44 and 82.50))~~ 81.104 RCW:

- (1) Vehicles with tax code 95 (vehicles taxed as personal property, such as mobile homes);
- (2) Vehicles with the following use classes:
 - C/G (converter gear).
 - CMB (combination).
 - CMP (campers).
 - COM (commercial if powered over 6,000 pounds scale weight or commercial nonpowered).

- EX (exempt),
- FAR (farm).
- FCB (farm combination).
- FED (federally owned),
- FEX (farm exempt),
- F/H (for hire if over 6,000 pounds scale weight and more than six seats).
- FIX (fixed load).
- H/C (horseless carriage).
- H/D (house moving dolly),
- LOG (if powered and over 6,000 pounds scale weight).
- MOB (mobile home).
- PED (moped),
- ORV (off road vehicle),
- RES (restored).
- SCH (private school),
- SNO (snowmobile), or
- SNX (exempt snowmobile),
- STA (stage if over 6,000 pounds scale weight and more than six seats).
- TOW (tow trucks).
- TRK (if over 6,000 pounds scale weight and 12,000 pounds or less gross weight).
- TVL (travel trailer);
- (3) Vehicles registered ~~((pursuant to))~~ under WAC 308-96A-050, (nonresident members of the armed forces);
- (4) Vehicles registered ~~((pursuant to))~~ under WAC 308-96A-400, (Indian tribes and tribal members);
- (5) Vehicles registered ~~((pursuant to))~~ under WAC 308-96A-046, ~~((veteran's free license))~~ (disabled American veterans or former prisoner of war);
- (6) Vehicles registered ~~((pursuant to))~~ under WAC 308-96A-180, (rental cars);
- (7) Passenger motor vehicles registered ~~((pursuant to))~~ under WAC 308-96A-175 and 308-96A-176, (ride-sharing and transportation needs ride-sharing vehicles; ~~((and))~~);
- (8) Vehicles registered ~~((pursuant to))~~ under WAC 308-96A-063, (Foreign organization special license plate);
- (9) Vehicles registered under RCW 46.16.305, Medal of Honor recipients.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-210 RTA excise tax in even dollars. ~~((Individual vehicle))~~ RTA excise taxes are rounded to the nearest whole dollar.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-230 Fleet abatement. A fleet vehicle, which is required to have a December registration expiration date, ~~((shall))~~ will be charged RTA excise tax based on the current depreciation rate for the number of months required to license through December 31 of the current year. If the number of months to December 31 is fewer than four, an additional twelve months RTA excise tax will be charged at the current depreciation rate.

AMENDATORY SECTION (Amending WSR 97-12-015, filed 5/28/97, effective 6/28/97)

WAC 308-57-240 Nonfleet abatement. With department approval, the owner of a nonfleet vehicle may change the vehicle's registration expiration date. The owner (~~shall~~) will be assessed **RTA** excise tax based on the current depreciation rate for the number of months from the current expiration to the requested expiration date. The new expiration date must be greater than twelve months but not more than eighteen months from the current registration expiration date. New expiration dates may only be granted when validation tabs for the desired month and year are available.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-57-120	Excise tax fee schedules two and six.
WAC 308-57-130	Excise tax fee schedule three.
WAC 308-57-135	Excise tax fee schedule four.
WAC 308-57-500	Personal use motor vehicle excise tax credit—Qualifications.

PERMANENT



WSR 01-12-005
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-89—Filed May 23, 2001, 4:31 p.m., effective May 24, 2001, 11:59 p.m.]

Date of Adoption: May 22, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

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: The catch quota for halibut is anticipated to be taken by this time. If fishing is allowed past May 24, 2001, the quota will likely be exceeded. This action is in accordance with the halibut catch sharing plan adopted by the federal government this year. The action has been endorsed by representatives of the National Marine Fisheries Service and the International Pacific Halibut Commission. There is insufficient time to promulgate permanent rules.

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: May 24, 2001, 11:59 p.m.

May 22, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-25500U Halibut—Areas and seasons. Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. May 24, 2001 until further notice it is unlawful to fish for and possess halibut in those waters of Marine Area 2.

WSR 01-12-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-90—Filed May 23, 2001, 4:36 p.m.]

Date of Adoption: May 23, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-32-05100A and 220-32-05100B.

Statutory Authority for Adoption: RCW 77.12.047.

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: Allows platform and hook and line fish to be sold, and sets final period of commercial fishing. The fishery catches are expected to remain within the allocation and guidelines of the 2001 Management Agreement and will be consistent with the biological opinion. Rule is consistent with action of the Columbia River Compact of May 23, 2001. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent 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 2.

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.

May 23, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-32-05100B Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-050, WAC 220-32-051, WAC 220-32-052, WAC 220-32-058, effective immediately until further notice, it is unlawful for a person to take or possess salmon, shad, carp, or sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, and the Wind River, White Salmon River and the Klickitat River except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, shad, carp,

or sturgeon under the following provisions, pursuant to lawfully enacted tribal rules:

1) Open Periods: Immediately to 11:59 p.m. May 28, 2001

a) Open Areas: SMCRA 1F, 1G, 1H, Wind River, White Salmon River, Klickitat River.

b) Gear: hoop nets, dip bag nets, and rod and reel with hook and line.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

2) Open Periods: 6:00 a.m. May 24 to 6:00 p.m. May 26, 2001

a) Open Areas: SMCRA 1F, 1G, 1H

b) Gear: Gill nets.

c) Allowable sale includes: salmon and shad. Sturgeon between 4 feet and 5 feet in length may be kept for subsistence purposes.

d) There will be no sanctuary in effect at Spring Creek National Fish Hatchery.

3) Notwithstanding the provisions of WAC 220-32-058, the closed area at the mouth of:

a) Hood River are those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles down river from the west bank at the end of the break wall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

b) Herman Creek are those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

c) Deschutes River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

d) Umatilla River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points 1/2 mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

e) Big White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located 1/2 mile downstream from the west bank upstream to Light "35".

f) Wind River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2 mile upstream from the east bank.

g) Klickitat River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1/8 miles downstream from the west bank.

h) Little White Salmon River are those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately 1/2 mile upstream from the eastern shoreline.

4) Notwithstanding the provisions of WAC 220-22-010, during the open periods described above:

a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of the Gods, and downstream from the west end of the 3 Mile Rapids located approximately 1.8 miles below the Dalles Dam.

b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 miles above The Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in mid-river, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy Light below John Day Dam.

c) Area 1H includes those waters of the Columbia River upstream from a fishing boundary marker approximately 1/2 mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in mid-river, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100A	Columbia River salmon seasons above Bonneville Dam. (01-81)
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The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 29, 2001:

WAC 220-32-05100B	Columbia River salmon seasons above Bonneville Dam.
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WSR 01-12-010

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 25, 2001, 9:35 a.m.]

Date of Adoption: May 25, 2001.

Purpose: Amend the regulations regarding eligibility for unemployment benefits of employees of educational institutions to make them consistent with the law as modified by the 2001 legislature. The rules define terms, clarify how the department will determine if an individual has reasonable assurance of continued employment, and further clarify how reasonable assurance will be determined for instructional, research, or principal administrative staff at community and technical colleges.

Citation of Existing Rules Affected by this Order:
Amending WAC 192-210-005 and 192-210-015.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

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: SB 5316 was adopted by the 2001 legislature, amending RCW 50.44.053 and modifying the definition of "reasonable assurance." These amendments apply to weeks of unemployment that begin after March 31, 2001. The existing rules were adopted prior to this amendment. Regulations consistent with the new law are needed to assist the department in making eligibility decisions during the upcoming summer term or break.

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.

May 24, 2001

Paul Trause

Deputy Commissioner

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-005 Definitions—Educational employees. (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. ~~Tenure or tenure-track status is considered a contract.~~

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120

(regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

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

AMENDATORY SECTION (Amending WSR 99-18-066, filed 8/31/99, effective 10/1/99)

WAC 192-210-015 How will the department decide if reasonable assurance exists?—RCW 50.44.053. (1) Reasonable assurance is a bona fide offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable. For instructional, research, or principal administrative staff at a community or technical college, the additional provisions of WAC 192-210-020 will be considered in determining whether the individuals has reasonable assurance.

~~(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.~~

~~(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide the department with documentation in support of its statement that reasonable assurance exists for that individual.~~

~~(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:~~

~~(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation;~~

~~(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between academic years or terms;~~

~~(c) The number of comparable positions at the institution;~~

~~(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget;~~

~~(e) Any hiring priorities used by the school, such as precedence given to full-time or tenured staff or the use of seniority lists;~~

~~(f) The individual's employment history;~~

~~(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.~~

~~(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

Reviser's note: 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.

NEW SECTION

WAC 192-210-020 Reasonable assurance for instructional, research, or principal administrative staff at a community or technical college—RCW 50.44.053(3). (1) A person who performs services in an instructional, research, or principal administrative capacity at a community or technical college is presumed not to have reasonable assurance when an offer is conditioned on enrollment, funding, or program changes.

(2) A conditional or contingent offer of employment is any offer other than an agreement that is binding on the college to provide work and on the individual to perform services.

(3) The assertion by the college that an individual has reasonable assurance of continued employment is insufficient to overcome the presumption that a conditional or contingent offer of employment does not constitute reasonable assurance unless supported by documentation explaining why reasonable assurance exists. The college bears the burden of providing the department with this documentation. Primary weight will be given to the contingent nature of the offer of employment.

(4) Whether an individual has reasonable assurance from the college will be determined on a case by case basis by the total weight of evidence, rather than the existence of any single factor.

(5) Examples of the types of evidence the department will consider in deciding whether the college has overcome the presumption that a conditional or contingent offer is not reasonable assurance include, but are not limited to, the following:

(a) The terms of the offer of employment between the individual and the college, with consideration given to any provisions related to length, contingencies, or reasons for cancellation;

(b) The number of comparable positions at the college;

(c) Any hiring priorities used by the college;

(d) The college's past practices, including the individual's previous experience with similar offers of employment from that college, and whether any classes have been canceled due to lack of enrollment, lack of funding, or program changes.

WSR 01-12-024

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 01-91—Filed May 25, 2001, 2:37 p.m., effective June 1, 2001, 6:00 a.m.]

Date of Adoption: May 25, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05700I; and amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 77.12.047.

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: Opens Bonneville and John Day Pools for a sturgeon set line season. There is room on the guidelines in both areas to allow for a season, and harvestable numbers of sturgeon are available. Conforms state rules with tribal rules. Consistent with compact action of May 23, 2001. There is insufficient time to promulgate permanent 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: June 1, 2001, 6:00 a.m.

May 25, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-32-05700I Columbia River sturgeon seasons—Above Bonneville Dam. Notwithstanding the provisions of WAC 220-32-057, effective immediately, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes in Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for sturgeon with set line gear under the following provisions:

1) Dates: 6:00 a.m. June 1, 2001 until 6:00 p.m. July 31, 2001.

- 2) Open area is 1F and 1H.
- 3) During the season specified in Section 1, it is unlawful

to:

- a) retain for commercial purposes sturgeon less than 48 inches or greater than 60 inches in length.
- b) sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of a sturgeon prior to sale of the sturgeon to a wholesale dealer licensed under chapter RCW 75.28, or to sell or barter sturgeon eggs at retail.

c) deliver to a wholesale dealer licensed under chapter RCW 75.28 any sturgeon that are not in the round with the head and tail intact.

3) During the season specifies in Section 1, it is unlawful to use set line gear:

- a) with more than 100 hooks per set line
- b) with hooks less than the minimum size of 9/0
- c) with treble hooks
- d) without visible buoys attached and with buoys that do not specify operator and tribal identification

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 6:01 p.m. July 31, 2001:

WAC 220-32-057001 Columbia River sturgeon seasons—Above Bonneville Dam.

**WSR 01-12-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 01-92—Filed May 25, 2001, 2:39 p.m., effective May 29, 2001, 12:01 a.m.]

Date of Adoption: May 25, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900H; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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: In-season monitoring indicates the hatchery will meet its escapement goal. Increasing the salmon portion of the daily limit will allow anglers to harvest more of the hatchery produced chinook. There is insufficient time to promulgate permanent rules.

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: May 29, 2001, 12:01 a.m.

May 25, 2001

J. P. Koenings

Director

NEW SECTION

WAC 232-28-61900I Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River. Notwithstanding the provisions of WAC 232-28-619:

(1) Cowlitz River - Effective immediately until further notice, those waters of the Cowlitz River mouth upstream to 400 feet or posted boundary markers below the Barrier Dam are closed for the retention of chinook salmon. South side of the river from Mill Creek upstream to the Barrier Dam closed to all fishing immediately through June 15, 2001.

(2) Little White Salmon River (Drano Lake) - Effective May 17, 2001 through June 30, 2001 it is lawful to fish for salmonids in those waters of the Little White Salmon River (Drano Lake) from the SR 14 highway bridge at the mouth upstream to markers downstream and across from the Little White Salmon National Fish Hatchery. Special four fish daily limit of spring chinook

and hatchery steelhead of which no more than two may be hatchery steelhead. Minimum size is 12 inches in length for chinook and 20 inches for hatchery steelhead. Except closed on Wednesdays immediately through May 31, 2001. Night closure and non-buoyant lure restriction in effect.

(3) Klickitat River - Effective immediately through May 30, 2001 it is lawful to fish for salmonids in those waters of the Klickitat River from the mouth upstream to Fisher Hill Bridge

Special daily limit of one chinook salmon greater than 12 inches in length or one hatchery steelhead greater than 20 inches in length. Fishing Mondays, Wednesday and Saturdays only. Night closure and non-buoyant lure restriction in effect.

(4) Lewis River (Clark County), from mouth to forks: Effective May 29, 2001 until further notice special daily limit of six chinook salmon of which no more than two may be adults. Any chinook salmon with or without an adipose fin intact may be retained. Minimum size is twelve inches for chinook.

(5) Lewis River, North Fork (Clark/Skamania counties)

EMERGENCY

WSR 01-12-026

EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-93—Filed May 25, 2001, 2:42 p.m., effective May 29, 2001, 12:01 a.m.]

From mouth to Colvin Creek: Effective May 29, 2001 until further notice special daily limit of six chinook salmon of which no more than two may be adults. Any chinook salmon with or without an adipose fin intact may be retained. Minimum size is twelve inches for chinook. Fishing from a floating device allowed.

From Colvin Creek to overhead powerlines at Merwin Dam: Effective May 29, 2001 until further notice special daily limit of six chinook salmon of which no more than two may be adults. Any chinook salmon with or without an adipose fin intact may be retained. Minimum size is twelve inches for chinook. Fishing from a floating device allowed. Trout: Minimum length twenty inches. Release wild cut-throat trout.

(6) Wind River - Effective May 17, 2001 through June 30, 2001 it is lawful to fish for salmonids in those waters of the Wind River from markers (buoy line) at the mouth upstream to 400 feet downstream from Shipherd Falls and effective immediately through June 30, 2001 from 100 feet upstream from Shipherd Falls upstream to 400 feet downstream from the Coffey Dam and from 100 feet upstream from the Coffey Dam to boundary markers 800 yards downstream from the fish ladder at Carson National Fish Hatchery. Special four fish daily limit of spring chinook and hatchery steelhead of which no more than two may be hatchery steelhead. Minimum size is 12 inches in length for chinook and 20 inches for hatchery steelhead. Night closure and non-buoyant lure restriction in effect.

(7) White Salmon River - Effective immediately through June 30, 2001, it is lawful to fish for salmonids in those waters of the White Salmon River from the mouth upstream to the powerhouse and immediately through June 15, 2001 from the powerhouse upstream 400 feet below Northwestern Dam. Special daily limit of two chinook salmon greater than 12 inches in length or two hatchery steelhead greater than 20 inches in length, or a combination of one such salmon and one such steelhead. Fishing only from the bank from the highway 14 bridge downstream to the buoy line.

Date of Adoption: May 25, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y.

Statutory Authority for Adoption: RCW 77.12.047.

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: The allowable sport harvest of approximately 2,000 adult spring chinook is projected to be attained on Monday, May 28 (Memorial Day) based on ongoing creel census estimates of fishing effort and harvest that began with the opening of the fishery on April 21. Current "in-season" run size estimates indicate that the actual run to the mouth of the Yakima River will range between 22,000 - 26,000 fish. The pre-season forecast was for a 26,100 fish return and the 2,000 fish allowable sport harvest was based on this forecast.

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: May 29, 2001, 12:01 a.m.

May 25, 2001

J. P. Koenings

Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. May 29, 2001:

WAC 232-28-61900Y Exceptions to statewide rules—Yakima River. (01-50)

EMERGENCY

REPEALER

The following section of the Washington administrative Code is repealed effective 12:01 a.m. May 29, 2001:

WAC 232-28-61900H Exceptions to statewide rules—Cowlitz River, Little White Salmon River (Drano Lake), Klickitat River, Lewis River, Wind River, White Salmon River. (01-86)

WSR 01-12-027
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-94—Filed May 25, 2001, 2:46 p.m., effective May 26, 2001, 7:00 a.m.]

Date of Adoption: May 24, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-33000M; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

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: Crab hard shell condition meets the criteria for harvest in Hood Canal and in the open portions of Marine Area 8-1 and 8-2. Day restrictions are needed to stay within state/tribal allocations. There is insufficient time to promulgate permanent rules.

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: May 26, 2001, 7:00 a.m.

May 24, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000N Crab—Areas and seasons.
 Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein;

(2) Effective 7:00 a.m. June 1, 2001, until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Area 12 and that portion of Marine Area 9 south of a line from Foulweather Bluff to Olele point.

(3) Effective immediately until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sun-

days and Mondays in that portion of Marine Area 8-2 south and east of a line from Camano Head to Sandy Point on Whidbey Island

(4) Effective 7:00 a.m. Saturday May 26, 2001 until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays, in that portion of Marine Area 8-1 north of a line from Snatelum Pt. (on the southeast corner of Penn Cove) to Rocky Point (on the northwest corner of Camano Island).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000M Crab—Areas and seasons.
 (01-87)

WSR 01-12-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-96—Filed May 30, 2001, 8:18 a.m.]

Date of Adoption: May 29, 2001.

Purpose: Amend commercial fishing rules.

Statutory Authority for Adoption: RCW 77.12.047.

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: The 2001 legislature passed SB 5443, which states, "The application deadline in (RCW 77.65.030) does not apply to a license or permit that has not been renewed because of the death of the license or permit holder. The license or permit holder's surviving spouse, estate, or estate beneficiary must be given a reasonable opportunity to renew the license or permit." This rule enacts the provisions of SB 5443 and sets the reasonable period as the calendar year following the year of the death of the license holder. This rule is needed for immediate implementation of SB 5443, which is deemed to apply to current license renewals. Permanent rule making has been started.

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.

May 29, 2001
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-20-05500A Commercial fishing license transfer upon death of the holder. Upon the death of a license holder or permit holder, any license or permit that requires annual renewal and which would expire at the end of the calendar year in which the death of the license or permit holder occurred, may be renewed by the license or permit holder's personal representative, surviving spouse, estate, or estate beneficiary during the next calendar year after the year in which the death occurred. If the license is not renewed in the calendar year after the calendar year in which the death occurred, the license may be renewed thereafter.

**WSR 01-12-043
 EMERGENCY RULES
 DEPARTMENT OF
 FISH AND WILDLIFE**

[Order 01-97—Filed May 31, 2001, 8:28 a.m., effective June 3, 2001, 6:00 p.m.]

Date of Adoption: May 30, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500L; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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 needed to ensure orderly fisheries, manage within court-ordered sharing requirements and to ensure conservation. The state recreational share of spot shrimp has been exceeded in the areas closed under this rule. Depth restrictions will provide opportunity to harvest available nonspot shrimp while reducing impact to the spot shrimp resource. There is insufficient time to promulgate permanent rules.

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: June 3, 2001, 6:00 p.m.

May 30, 2001
 J. P. Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-56-32500M Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

(1) Effective 6:00 p.m. June 3, 2001 it is unlawful to harvest or possess shrimp taken for personal use in waters of Marine Area 7 south of a line from Biz Point to Cape St Mary on Lopez Island, south of Lopez Island, south of a line from Davis Point to Cattle Point on San Juan Island, south of the shores of San Juan Island to Lime Kiln Point light, and south of a line due west from Lime Kiln Point light to the international boundary.

(2) Effective immediately, until further notice, it is lawful to harvest or possess shrimp taken for personal use in Marine Areas 8-1, 8-2 or 9, except that:

(a) Spot shrimp must be returned immediately to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet, except that it is unlawful to set or pull shrimp gear in waters greater than 90 feet in Port Townsend Bay, south and west of a line from Marrowstone Point to Point Wilson.

(c) It is unlawful to set or pull shrimp gear on Monday, Tuesday or Wednesday of each week.

(3) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 10.

REPEALER

The following section of the Washington Administrative is repealed effective 6:00 p.m. June 3, 2001:

WAC 220-56-32500L Shrimp—Areas and seasons. (01-78)

EMERGENCY

WSR 01-12-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-98—Filed May 31, 2001, 8:30 a.m., effective June 1, 2001, 11:59 p.m.]

Date of Adoption: May 30, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-25500U; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

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 actions are in accordance with the halibut catch sharing plan adopted by the federal government this year. The action has been endorsed by representatives of the National Marine Fisheries Service and the International Halibut Commission. There is insufficient time to promulgate permanent rules.

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: June 1, 2001, 11:59 p.m.

May 30, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-25500V Halibut—Areas and seasons.
 Notwithstanding the provisions of WAC 220-56-255:

(1) Effective immediately until further notice it is unlawful to fish for and possess halibut in those waters of Marine Area 2, except open only 12:01 a.m. June 6 through 11:59 p.m. June 6, 2001.

(2) Effective immediately until further notice it is unlawful to fish for and possess halibut in those waters of Marine Areas 3 and 4, except open only 12:01 a.m. July 1, through 11:59 p.m. July 4, 2001.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 1, 2001:

WAC 220-56-25500U Halibut areas and seasons.
 (01-89)

WSR 01-12-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-100—Filed June 1, 2001, 8:07 p.m., effective June 6, 2001, 9:00 a.m.]

Date of Adoption: May 31, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-32500N; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

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 needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. There is sufficient shrimp remaining in the state share to open the recreational fishery for an additional day. There is insufficient time to promulgate permanent rules.

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: June 6, 2001, 9:00 a.m.

May 31, 2001

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-32500N Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for or possess shrimp from those waters of Marine Area 12 (Hood Canal) except as provided for in this section:

- (1) Fishing for shrimp is allowed between 9:00 a.m. and 1:00 p.m. on the following date: June 6, 2001.
- (2) No shrimp fisher may leave shrimp fishing gear in the water after 1:00 p.m. June 6, 2001.
- (3) It shall be unlawful for any vessel participating in the fishery to have more than four shrimp pots operated from the vessel.
- (4) It is unlawful for any one person to take in any one day more than eighty shrimp. The first eighty shrimp taken must be retained.

REPEALER

The following section of the Washington Administrative Code is repealed effective 1:01 p.m. June 6, 2001:

WAC 220-56-32500N Shrimp—Areas and seasons.

Chapter II, Part 273 of the Code of Federal Regulations. States are required to implement these changes by June 1, 2001.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 3, 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 1, Amended 3, Repealed 0.

Effective Date of Rule: June 1, 2001.

June 1, 2001

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 01-12-057
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Division of Assistance Programs)
 [Filed June 1, 2001, 3:45 p.m.]

Date of Adoption: June 1, 2001.

Purpose: Amend existing rules and create a new rule to implement federal regulations for sponsored aliens. Amending WAC 388-450-0155 Does the income of my sponsor affect my eligibility for cash or food assistance?, 388-450-0160 How does the department decide how much of my sponsor's income to count against my benefits? and 388-470-0060 How do the resources of my sponsor affect my eligibility for cash or food assistance benefits? [not filed by agency]; and adding WAC 388-450-0156 When am I exempt from the deeming process?

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0155, 388-450-0160, and 388-470-0060 [not filed by agency].

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.04.510.

Other Authority: Title 7, Chapter II, Part 273 of the Code of Federal Regulations.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The United States Department of Agriculture, Food and Nutrition Services (FNS) published new regulations on how to count the income of an alien's sponsor to the alien. FNS published these rules in Title 7,

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0155 ((~~Deeming~~)) Does the income((— Alien sponsorship—)) of my sponsor affect my eligibility for cash or food assistance? ((This section applies to TANF/SFA and GA programs.

~~(1) Deeming is the process of determining the amount of an alien's sponsor's income available to the alien.~~

~~(2) Any alien whose sponsor is a public or private organization is ineligible for assistance for three years from the date of entry for permanent residence into the United States, unless the agency or organization is:~~

- ~~(a) No longer in existence; or~~
- ~~(b) Has become unable to meet the alien's needs.~~

~~(3) A sponsor is any individual or public or private organization who executes an affidavit or similar agreement on behalf of an alien (who is not the dependent child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.~~

- ~~(a) The affidavit or agreement is irrevocable, and~~
- ~~(b) Extends for a minimum of three years after the alien's entry for permanent residence into the United States.~~

~~(4) For a period of three years following entry for permanent residence into the United States, an individually sponsored alien is responsible for:~~

- ~~(a) Providing the department with any information and documentation necessary to determine the income of the sponsor that can be deemed available to the alien; and~~
- ~~(b) Obtaining any cooperation necessary from the sponsor.~~

~~(5) For all subsections in this section, the income of an individual sponsor (and the sponsor's spouse if living with the sponsor) is deemed to be the unearned income of an alien for~~

EMERGENCY

three years following the alien's entry for permanent residence into the United States:

(6) Monthly income deemed available to the alien from the individual sponsor or the sponsor's spouse not receiving TANF/SFA or SSI is:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in (a) of this subsection reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other persons living in the same household as the sponsor claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability but who are not TANF/SFA recipients;

(ii) Any amounts actually paid by the sponsor to persons not living in the household claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability; and

(iii) Actual payments of spousal maintenance or child support with respect to persons not living in the sponsor's household.

(7) In any case where a person is the sponsor of two or more aliens, the sponsor's income is divided equally among the aliens to the extent that the income would be deemed the income of any one of the aliens under provisions of this section.

(8) The income deemed to a sponsored alien in determining the need of other unsponsored members of the alien's family is not considered except to the extent that the income is actually available.

(9) For the GA-U program, the alien's sponsor's income is deemed as available to the alien as provided for the TANF/SFA program:

(a) At application, for applications filed on or after July 8, 1994. For the purposes of this rule, re-application filed following a break in assistance of thirty days or more is considered an application; and

(b) For all other GA-U clients, the income of an alien's sponsor is not deemed as available to the client) The United States Immigration and Naturalization Service (INS) makes most people have a sponsor to enter the country as a permanent resident. A sponsor is a person or agency who agreed to meet the needs of the sponsored person. The department uses a process called deeming to count part of the sponsor's income to the person they sponsored.

(1) If INS required your sponsor to sign the Affidavit of Support form I-864 or I-864A, we count some of your sponsor's income against your cash and food assistance benefits. We do not count your sponsor's income if you are exempt from the deeming process under WAC 388-450-0156.

(2) If your sponsor's spouse signed the affidavit of support, we count some of their income against your cash and food assistance benefits. We do not count the income of your

sponsor's spouse if you are exempt from the deeming process under WAC 388-450-0156.

(3) You must cooperate with the deeming process in order to be eligible for benefits. You must do the following to cooperate with the process.

(a) Give us the name and address of your sponsor;
(b) Get your sponsor to cooperate with us while we decide if you are eligible for benefits; and

(c) Give us the information and proof we need to decide;
(i) If we must deem income to your assistance unit (AU);
and

(ii) The amount of income we deem to your AU.
(4) If your sponsor is not supporting you, you must still cooperate with the deeming process. We help you get the information you need to determine your eligibility and benefits.

(5) If you are not eligible for benefits because we do not have the information we need about your sponsor, we do not delay benefits to the eligible people in your AU. We decide if the others in your AU are eligible for benefits and ask for the information we need about your sponsor. We do not count your needs when we decide if you are eligible for benefits, but we count:

(a) All earned or unearned income you have that is not excluded under WAC 388-450-0015; and

(b) All deductions you would be eligible for under chapter 388-450 WAC.

(6) If you refuse to cooperate with the deeming process, the other adult members in your AU must cooperate. If the same person sponsored everyone in your AU, your AU is not eligible for benefits until a member of your AU cooperates.

(7) We decide how much of your sponsor's income to count against your benefits under WAC 388-450-0160.

NEW SECTION

WAC 388-450-0156 When am I exempt from the deeming process? (1) If you meet any of the following conditions, you are permanently exempt from the deeming process and we do not count your sponsor's income or resources against your benefits:

(a) The Immigration and Nationality Act (INA) does not require you to have a sponsor. You are not required to have a sponsor if your official status with Immigration and Naturalization Service (INS) is any of the following:

- (i) Refugee;
- (ii) Parolee;
- (iii) Asylee;
- (iv) Cuban entrant; or
- (v) Haitian entrant.

(b) You were sponsored by an organization or group as opposed to an individual;

(c) You do not meet the alien status requirements to be eligible for benefits under chapter 388-424 WAC;

(d) You have worked or can get credit for forty qualifying quarters of work under Title II of the Social Security Act. We do not count a quarter of work toward this requirement if the person working received TANF, food stamps, or non-emergency Medicaid benefits. We count a quarter of work by the following people toward your forty qualifying quarters:

- (i) Yourself;
- (ii) Your parents for the time they worked before you turned eighteen years old; and
- (iii) Your spouse if you are still married or your spouse is deceased.

- (e) You become a U.S. Citizen; or
- (f) Your sponsor dies.

(2) You are exempt from the deeming process while you are in the same AU as your sponsor;

(3) For state family assistance, general assistance, and the food assistance program for legal immigrants, you are exempt from the deeming process if:

- (a) You were sponsored more than five years ago;
- (b) Your sponsor becomes permanently incapacitated; or
- (c) You were employed by an agency of the United States government or served in the armed forces of an allied country during a military conflict between the United States and a military opponent.

(4) If you, your child, or your parent was a victim of domestic violence, you are exempt from the deeming process for twelve months if:

(a) You no longer live with the person who committed the violence; and

- (b) Leaving this person caused your need for benefits.

(5) If INS or a court decides that you, your child, or your parent was a victim of domestic violence from your sponsor, you are permanently exempt from the deeming process if:

- (a) You no longer live with your sponsor; and
- (b) Leaving your sponsor caused your need for benefits.

(6) If your AU has income at or below one hundred thirty percent of the Federal Poverty Level (FPL), you are exempt from the deeming process for twelve months. For this rule, we count the following as income to your AU:

(a) Earned and unearned income your AU receives from any source; and

(b) Any noncash items of value such as free rent, commodities, goods, or services you receive from an individual or organization;

(7) If you are exempt from the deeming process because your AU does not have income over one hundred thirty percent of the FPL, we give the United States Attorney General the following information:

(a) The names of the sponsored people in your AU;

(b) That you are exempt from deeming due to your income; and

(c) Your sponsor's name.

(8) If you are exempt from the deeming process, we count the cash your sponsor or others give you as unearned income against your benefits.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0160 (~~Sponsored alien — Food assistance.~~) **How does the department decide how much of my sponsor's income to count against my benefits?** (~~For food assistance, this section applies to aliens for whom a sponsor has signed an affidavit of support or similar statement on or after February 1, 1983.~~

~~(1) For the purpose of this rule, income of the sponsor means:~~

~~(a) Income of the sponsor; and~~

~~(b) Income of the sponsor's spouse when the spouse lives with the sponsor.~~

~~(2) Portions of the income of a sponsor is counted as unearned income and applied to the food assistance benefits of a sponsored alien. The income of an alien's sponsor is available for three years following the alien's admission for permanent residence to the U.S.~~

~~(3) The income of the alien's sponsor must be verified by the client at application or recertification for food assistance.~~

~~(4) The available income is computed as follows:~~

~~(a) Total monthly earned and unearned income of the sponsor:~~

~~(i) Minus twenty percent of the gross earned income; and~~

~~(ii) Minus the amount of the gross income eligibility standard for a household size equal to the sponsor, the sponsor's spouse, and all dependents.~~

~~(b) Plus any actual money paid to the alien by the sponsor or sponsor's spouse in excess of the amount computed in subsection (4)(a) of this section is treated as unearned income.~~

~~(5) The net income in subsection (4) of this section is available to a sponsored alien who:~~

~~(a) Applies for and receives food assistance; or~~

~~(b) Is recertified for food assistance.~~

~~(6) If the sponsored alien can show the sponsor is also sponsoring other aliens, the available income is divided by the number of sponsored aliens applying for, or receiving food assistance.~~

~~(7) If an alien changes sponsors during the certification period, available income is reviewed based on the required information about the new sponsor as soon as possible after the information is supplied and verified by the client.)~~ (1) We must count some of your sponsor's income as unearned income to your assistance unit (AU) if:

(a) Your sponsor signed the INS affidavit of support form I-864 or I-864A; and

(b) You are not exempt from the deeming process under WAC 388-450-0156.

(2) In addition to counting your sponsor's income, we must also count the income of your sponsor's spouse if they signed the affidavit of support.

(3) We take the following steps to decide the monthly amount of your sponsor's income we deem as your income and count against your benefits:

(a) We start with your sponsor's earned and unearned income that is not excluded under WAC 388-450-0015;

(b) If your sponsor's spouse signed the affidavit of support, we add all of the spouse's earned and unearned income that is not excluded under WAC 388-450-0015;

(c) We subtract twenty percent of the above amount that is earned income under WAC 388-450-0030;

(d) For cash assistance, we subtract the need standard under WAC 388-478-0015. We count the following people who live in your sponsor's home as a part of your sponsor's AU to decide the need standard:

(i) Your sponsor;

(ii) Your sponsor's spouse; and

(iii) Everyone else in their home that they could claim as a dependent for Federal income tax purposes.

(e) For food assistance, we subtract the maximum gross monthly income under WAC 388-478-0060. We count the following people that live in your sponsor's home as a part of your sponsor's AU to decide the maximum gross monthly income:

(i) Your sponsor;

(ii) Your sponsor's spouse; and

(iii) Everyone else in their home that they could claim as a dependent for Federal income tax purposes.

(f) If you can show that your sponsor has sponsored other people as well, we divide the result by the total number of people who they sponsored.

(4) After we have decided how much income to deem to you, we count the following income from your sponsor:

(a) The amount of income calculated from the deeming process; and

(b) If your sponsor gives you money for your needs, any amount they give you above the amount we calculate from the deeming process.

WSR 01-12-064
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-102—Filed June 4, 2001, 2:26 p.m., effective June 6, 2001, 7:00 p.m.]

Date of Adoption: June 1, 2001.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600N; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047.

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 actions are necessitated to maintain state/tribal crab allocations. There is insufficient time to promulgate permanent rules.

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 2, 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 Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 6, 2001, 7:00 p.m.

June 1, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-52-04000Z Commercial crab fishery—
Exceptions to permanent rules for pot limits. Notwithstanding the provisions of WAC 220-52-040, effective 7:00 p.m. June 6, 2001 until 11:00 a.m. June 8, 2001 it is lawful to fish for crabs for commercial purposes with no more than 25 pots per license in all waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and that portion of 26A north of line from the south tip of Possession Point on Whidbey Island to the shipwreck at Picnic Point.

NEW SECTION

WAC 220-52-04600P Puget Sound crab fishery—
Exceptions to permanent seasons and areas. Notwithstanding the provisions of WAC 220-52-046, effective 7:00 p.m. June 6, 2001 until 11:00 a.m. June 8, 2001 the following areas are open to commercial crab fishing:

1) Those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and the portion of Marine Fish/Shellfish Catch Area 26A north of line from the south tip of Possession Point on Whidbey Island to the shipwreck at Picnic Point with the following exceptions:

a) Cornet Bay: That portion of Marine Fish/Shellfish Catch Area 24A south of a line projected true east and west from the north tip of Ben Ure Island.

b) Langley: That portion of Marine Fish/Shellfish Catch Area 24C inshore of the 400-foot depth contour within an area described by two lines projected northeasterly from Sandy Point and the entrance to the marina at Langley;

c) Port Gardner: That portion of Marine Fish/Shellfish Catch Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo projected to the green #3 buoy at the mouth of the Snohomish River and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline will be closed to commercial harvests through November 30, 2000. The affected parties will discuss continuation of the commercial closure in this area by that date.

d) E. Port Susan Area: That portion of Marine Fish/Shellfish Catch Area 24B east of a line projected from the five-meter tower (located between Gedney Island and Priest Point) to Barnum Point and south of a line projected west from Kayak Point, and north of a line projected from the five-meter tower to Priest Point.

e) Holmes Harbor: That portion of Marine Fish/Shellfish Catch Area 24D south of a line extending from the point located at the southern end of Honeymoon Bay (48° 03.047', 122° 32.306') to the point just north of Beverly Beach.

EMERGENCY

2) Crab pots shall not be tended from one half hour after sunset to one half hour before sunrise.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 7:00 p.m. June 6, 2001:

WAC 220-52-04600N Commercial crab fishery—
Exceptions to permanent seasons and areas. (01-23)

WSR 01-12-065
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-101—Filed June 4, 2001, 2:29 p.m., effective June 9, 2001, 7:00 a.m.]

Date of Adoption: June 1, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-33000N; and amending WAC 220-56-330.

Statutory Authority for Adoption: RCW 77.12.047.

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: Crab hard shell condition meets the criteria for harvest in Hood Canal and in Marine Areas 8-1 and 8-2. Day restrictions are needed to stay within state/tribal allocations. There is insufficient time to promulgate permanent rules.

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: June 9, 2001, 7:00 a.m.

June 1, 2001

J. P. Koenings

Director

NEW SECTION

WAC 220-56-33000P Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330:

(1) Effective immediately until further notice, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein;

(2) Effective Immediately until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Area 12 and that portion of Marine Area 9 south of a line from Foulweather Bluff to Olele point.

(3) Effective 7:00 a.m. June 9, 2001 until further notice, it is lawful to fish for crab for personal use on Fridays, Saturdays, Sundays and Mondays in Marine Areas 8-1 and 8-2.

REPEALER

The following section of the Washington Administrative Code is repealed effective 7:00 a.m. June 9, 2001:

WAC 220-56-33000N Crab—Areas and seasons.
(01-94)

WSR 01-12-066
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 01-95—Filed June 4, 2001, 2:31 p.m., effective June 9, 2001, 8:00 a.m.]

Date of Adoption: June 1, 2001.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900J; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 is necessary to regulate a juvenile fishing derby on planted trout. Following conclusion of the derby, the planted trout are available to all fishers. There is insufficient time to promulgate permanent rules.

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: June 9, 2001, 8:00 a.m.

June 1, 2001

J. P. Koenigs
Director

NEW SECTION

WAC 232-28-61900J Bridgeport Fishing Derby. Notwithstanding the provisions of WAC 232-28-619, effective 8:00 a.m. June 9, 2001 through 8:00 p.m. June 10, 2001, in those waters of the Columbia River inside the blocked-off portion of the City of Bridgeport Marina:

(1) Open to juvenile fishers only from 8:00 a.m. June 9, 2001 through 2:00 p.m. June 10, 2001. Trout: No limit during the fishery provided for in this section. No minimum size.

(2) Open to all fishers from 2:01 p.m. June 10, 2001 through 8:00 p.m. June 10, 2001. Trout: No daily or possession limit during the fishery provided for in this section. No minimum size.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. June 10, 2001:

WAC 232-28-61900J Bridgeport Fishing Derby.

WSR 01-12-067

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 01-03—Filed June 4, 2001, 4:10 p.m.]

Date of Adoption: June 4, 2001.

Purpose: To repeal a rule (chapter 173-167 WAC, a revised version of which is simultaneously being adopted). The revision more effectively addresses drought-related funding of public entities to continue agricultural activities, provide public drinking water supplies, and aid in fish and wildlife survival.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-167 WAC, WAC 173-167-010 through 173-167-090.

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: A drought emergency exists in the state. This emergency poses a potential threat to public

health in its possible effects on drinking water supplies, and a potential threat to the general welfare of the public in its likely effects on irrigated agriculture and on those fish and wildlife which, in the judgement of federal and state authorities, are in danger of extinction. Repeal of this rule will be simultaneous with adoption of a rule to replace it, which will more effectively enable ecology to fund certain drought-related activities undertaken by eligible public entities.

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 9, Amended 0, Repealed 9.

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.

June 4, 2001

Tom Fitzsimmons
Director

WSR 01-12-068

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 01-04—Filed June 4, 2001, 4:12 p.m.]

Date of Adoption: June 4, 2001.

Purpose: To adopt a rule replacing chapter 173-167 WAC (which is simultaneously being repealed) to more effectively provide drought-related funding to public entities in order to continue agricultural activities, provide public drinking water supplies, and aid in the survival of fish and wildlife; the rule also establishes criteria for leasing or buying water for fish.

Statutory Authority for Adoption: RCW 43.27A-.090(11).

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: A drought emergency exists in the state. This emergency poses a potential threat to public health in its possible effects on drinking water supplies, and a potential threat to the general welfare of the public in its likely effects on irrigated agriculture and on those fish and wildlife which, in the judgment of federal and state authorities, are in danger of extinction.

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 9, 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.

June 4, 2001

Tom Fitzsimmons

Director

Chapter 173-167 WAC

DROUGHT PREPAREDNESS FUNDING FOR AGRICULTURAL, MUNICIPAL AND UTILITY, AND FISH AND WILDLIFE NEEDS, AND FOR PURCHASING AND LEASING WATER FOR FISH

NEW SECTION

WAC 173-167-015 Purpose. The legislature in 1999 enacted Ch. 379, Laws of 1999, now codified as RCW 43.83B.430, which created, in part, the drought preparedness account and authorized the department of ecology to expend funds from that account for the purposes of drought preparedness. The purpose of this emergency rule is to establish criteria under which those funds can be made available to achieve the stated legislative purpose of drought preparedness.

NEW SECTION

WAC 173-167-025 Authority. This regulation is promulgated by the department of ecology under authorities provided in chapter 43.21A RCW, consistent with the provisions of chapter 34.05 RCW.

NEW SECTION

WAC 173-167-035 Definitions. As used in this chapter:

(1) "Ecology" is the Washington state department of ecology.

(2) "Municipality" means a city or town in the state of Washington.

(3) "Normal water supply," for the purpose of eligibility for funding under this chapter is:

(a) That amount of water put to beneficial use during the irrigation season for the irrigation of one or more crops, using reasonably efficient practices, including reasonable convey-

ance losses, under a valid water right permit or certificate, or a supported registered water right claim; or

(b) That amount or flow of water required for normal operations of fish hatchery, fish rearing, or fish passage facilities. Such facilities, where required by law, must be operating under a valid water right permit or certificate, or under a supported registered water right claim; or

(c) The flow of water that is critically necessary to maintain instream habitat conditions for existing fish populations, as determined by ecology in concert with the state department of fish and wildlife.

(4) "Previously established activities" include, but are not limited to:

(a) The irrigation of a specified number of acres, using reasonably efficient practices, under a valid water right permit or certificate, or a supported registered water right claim.

(b) The delivery of water by public entities through existing supply systems to present populations, areas, and/or facilities for purposes that are nonagricultural and not related to preservation or enhancement of fish or wildlife.

(c) Those fish-management activities presently employed to maintain or restore the fish resource.

(5) "Reasonably efficient practices" are those practices including, but not limited to, methods of conveyance, use, and disposal of water which are reasonable and appropriate under the circumstances to bring about water use efficiency as determined by an area-specific application of criteria identified by ecology, which may include, among others:

(a) Efficient practices used in the area;

(b) Standards of reasonable efficiency existing at the time the conveyance facilities were built;

(c) Cost of improvements and impacts of the costs of upgrading facilities on the continued use of water by an appropriator;

(d) Changes in water use practices and technology; and

(e) Impact of alternative water use practices on other water uses, instream flows, and the environment.

(6) "Supported registered water right claim" is a registered water right claim which includes sufficient evidence to allow ecology to make a tentative determination of the extent and validity of the claimed water right. Applications made for funding under this chapter must incorporate, either by reference or inclusion, necessary information to enable ecology to make an informed determination with respect to the claim.

(7) "Utility" means any publicly-owned drinking water supply system other than a municipality.

NEW SECTION

WAC 173-167-045 Funding and compensation—General criteria. Ecology may provide funding or compensation to public bodies in connection with projects and measures designed to alleviate drought conditions which may affect public health and safety, including, but not limited to, conditions affecting drinking water supplies, agricultural activities, and survival of fish and wildlife. The general criteria under which funds will be provided are:

(1) Public bodies eligible to receive funding or compensation are defined in RCW 43.83B.050 as "...the state of Washington, or any agency, political subdivision, taxing dis-

EMERGENCY

tract, or municipal corporation thereof, an agency of the federal government, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington."

(2) The water system, water source, or water body which is connected with a project or measure for which funding or compensation will be provided must be receiving, or have been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply.

(3) Funding or compensation must be in connection with the leasing or acquisition of water, or acquisition, construction, rehabilitation, and/or improvement of water supply facilities, or in connection with other appropriate measures to assure the:

(a) Adequate provision of drinking water to the citizens of the state;

(b) Continuation of irrigated agriculture in the state; or

(c) Survival of the state's fish and wildlife resources, with particular emphasis on fish stocks or wildlife species which have been identified as threatened or endangered by the state department of fish and wildlife, the federal national marine fisheries service, or the federal fish and wildlife service.

(4) Funding or compensation will be available only for projects or measures undertaken in response to drought conditions and not to defray costs of normal water supply operations.

(5) Grants, or combination loans and grants, may be used as matching funds in cases where federal, local, or other funds are also available.

(6) Loans for agricultural water supply facilities shall be approved using the criteria set forth in WAC 173-170-080(6), Agricultural water supply facilities.

(7) Eligibility conditions for each proposed project or measure are:

(a) The proposed project or measure must be for a beneficial use involving a previously established activity or purpose, except in the case of funding or compensation provided in connection with sustaining fish and wildlife.

(b) The proposed project or measure must assist in alleviating a water shortage.

(c) A public body receiving a grant or loan must satisfy ecology as to its ability to complete the project or measure in a timely manner.

(d) A public body receiving a loan must satisfy ecology as to its ability to repay the loan in a timely manner.

(e) Water derived from the project or measure must be put to beneficial use as a substitute for water not available because of a drought.

(f) Water derived from the project or measure must not be used to irrigate new lands.

(g) The proposed project or measure must not adversely affect existing rights, including both instream and out-of-stream rights.

(h) All required permits and approvals for the proposed project or measure must be obtained by the applicant prior to a loan or grant agreement being signed.

(8) Eligible measures that may be funded include, but are not limited to, the means for implementing water conservation procedures, acquiring alternate water sources, or transferring water rights, provided that the proposed measure represents an additional cost to the applicant as the result of drought conditions, and is not a substitute for normal water supply costs.

(a) Types of eligible measures for implementing water conservation procedures include, but are not limited to:

(i) Irrigation scheduling programs and activities, including the necessary personnel to accomplish such activities.

(ii) Implementation of water reduction programs and activities, including the necessary personnel to accomplish such activities.

(iii) Implementation of regional water conservation programs by multiple entities.

(iv) Education programs.

(b) Types of eligible measures for acquiring alternate water sources or transferring water rights include, but are not limited to:

(i) Water purchase or leasing costs.

(ii) Repair or replacement costs.

(iii) Power costs.

(9) Priority will be given to proposed projects which need additional water supplies. Need will be measured by:

(a) The short-term and long-term effects, in the absence of drought relief, that the water shortage would have on agricultural crops or on a municipality's or utility's ability to provide drinking water in its service area, or on the survival of fish or wildlife populations.

(b) The capability and reliability of the proposed project to provide an emergency water supply to the applicant.

(c) The percent of water shortage experienced or forecast for each applicant.

(10) Priority will also be given to proposed measures which:

(a) Are the most effective in achieving long-term reductions (conservation) in water requirements and/or which are the more efficient use of available supplies.

(b) Present no, or minimal, overall environmental impacts, including any detrimental effects to wetlands. Any such impacts should be identified to the best extent possible by the applicant at the time of application.

(11) Preference will be given to public bodies which are implementing activities in response to drought conditions which are in addition to the activities to be conducted with funding applied for under this chapter; such activities may include, but are not limited to, water conservation plans, water system efficiency improvements, and other drought contingency actions.

(12) A municipality or utility requesting funding under this chapter must have developed and be following a water shortage response plan.

(13) Ecology, and all state and local agencies that are affected by the proposed project or measure, in keeping with the emergency nature of these provisions, will process the

respective application(s) and provide a decision(s) to the applicant in an expeditious manner.

(14) To expedite the implementation of drought relief projects and measures, ecology can approve funding or compensation under this chapter without compliance with requirements for:

- (a) Notice of publication.
- (b) The State Environmental Policy Act.

NEW SECTION

WAC 173-167-055 Funding—Agricultural projects.

(1) Eligible projects that may be funded for drought relief of irrigated agriculture include, but are not limited to:

- (a) Pumps and accessories.
- (b) Discharge lines.
- (c) Pipelines.
- (d) Canals and laterals with control structures.
- (e) Lining of leaky canals.
- (f) Diversion structures.
- (g) Reregulating reservoirs.
- (h) Measuring devices.
- (i) Modifying an existing source or deepening an existing well.
- (j) Developing an emergency or alternate water source.
- (k) Replacement water sources, including purchasing or leasing water or water rights to be used during the drought period.

(2) Local improvement districts (LIDs) may be formed to allow funding of on-farm water conservation projects. These projects may include, but are not limited to, conversion from rill to sprinkler or drip irrigation, conversion of sprinkler to drip irrigation, and construction of water reuse ponds.

NEW SECTION

WAC 173-167-065 Funding—Municipalities and utilities projects. (1) Eligible projects that may be funded for drought relief for municipalities and utilities include, but are not limited to:

- (a) Modifying an existing source or deepening an existing well.
- (b) Developing an emergency or alternate water source.
- (c) Replacement water sources, including purchasing or leasing water or water rights to be used during the drought period.
- (d) Constructing an emergency intertie to another approved public water supply.
- (e) Transmission pipelines.
- (f) Diversion structures.
- (g) Pumps and accessories.
- (h) Source meters.
- (i) Leak detection and repair.

NEW SECTION

WAC 173-167-075 Funding—Fish and wildlife projects. (1) Eligible fish hatchery or other fish rearing facility projects that may be funded for protection from drought conditions include, but are not limited to:

- (a) Purchase and installation of water-reuse pumps.
- (b) Modifying hatchery intake and outlet structures.
- (c) Modifying stream channels adjacent to a hatchery to assure passage to the facility.
- (d) Provision and maintenance of oxygen levels in off-site holding ponds by purchase and installation of bottled gas (using air stones), or oxygen generation systems, or mechanical aeration.
- (2) Eligible projects that may be funded to protect instream fish habitat and assist in fish survival during drought conditions include, but are not limited to:
 - (a) Augmentation of instream flows through transfers of diversionary surface and ground water rights.
 - (b) Augmentation of instream flows through temporary withdrawals of ground waters.
 - (c) Stream channel modification such as trenching, sand-bagging, or berming to protect spawning gravels or to provide migratory channels for fish passage.
 - (d) Capture and relocation of stranded fish.
 - (e) Modification to existing wells and aeration towers.
 - (f) Drilling new wells.
 - (g) Installation and removal of temporary fish collection weirs.

(3) The department of fish and wildlife and any potentially affected Indian tribes will be consulted to verify eligibility, needs, and nature of all proposed fish-related projects and measures.

(4) Eligible projects that may be funded to protect aquatic and/or upland wildlife species and assist in fish survival during drought conditions include, but are not limited to:

- (a) Temporary diversion of stream flow to critical bird nesting habitat or wetland habitat populated by priority species, as identified by the state department of fish and wildlife.
- (b) Temporary impoundment of water in existing wetland habitat populated by priority species, as identified by the state department of fish and wildlife.
- (c) Temporary diversion of streamflow to upland watering devices.
- (d) Any diversion or impoundment of water described in (a) through (c) of this subsection shall be done in a manner that does not detrimentally affect fish populations listed under the federal endangered species act.

NEW SECTION

WAC 173-167-085 Criteria for buying or leasing water for fish. (1) Ecology may lease or purchase valid water rights to alleviate drought conditions affecting the state's fish resources. Water rights which are leased or purchased under the authority of this rule must be located in an area receiving, or having been forecast to receive, less than seventy-five percent of its normal seasonal water supplies.

(2) Priority consideration for purchasing and leasing water rights will be given to water rights identified as being most likely to contribute to the survival of threatened or endangered fish stocks by the Washington department of fish and wildlife, potentially affected Indian tribes, and the federal national marine fisheries and fish and wildlife services. To the fullest possible extent, purchasing and leasing water

rights will also be based on consideration of the following priorities:

- (a) The water right to be purchased or leased:
 - (i) Has sufficient documentation to allow ecology to make a tentative determination as to its extent and validity;
 - (ii) Has a sufficiently early priority date to ensure it will provide a benefit for restoring and protecting fish;
 - (iii) Was put to use in the previous year;
 - (iv) Will provide the relatively greatest benefit for restoring and protecting fish;
 - (v) Will provide benefits in addition to restoring and protecting fish, such as meeting water quality requirements; and
 - (vi) Is reasonably priced within the context of the local market for water.
- (b) Lease or purchase of the water right would:
 - (i) Receive a broad level of support among interested parties;
 - (ii) Be accomplished with partial funding from other sources;
 - (iii) Require minimal administrative costs; and
 - (iv) Would provide the longest possible period of benefit for fish.
- (3) Ecology will not purchase or lease:
 - (a) Water rights for water which will not increase streamflow in the year 2001; or
 - (b) Water rights which are subject to regulation to protect minimum flows established under chapter 90.22 RCW and chapter 173-500 WAC during the period for which ecology is seeking to enhance fish benefits.

NEW SECTION

WAC 173-167-095. Requests for funding—Contacts—Applications. (1) The ecology headquarters office, water resources program, will administer funding or compensation under this chapter in accordance with the provisions of this chapter. For applications or information regarding funding or compensation under this chapter, contact Ray Newkirk, Water Resources Program, Department of Ecology, by mail at P.O. Box 47600, Olympia, WA 98504-7600, by phone at (360) 407-6630, or by e-mail at rnew461@ecy.wa.gov. For information regarding ecology buying or leasing water rights, contact Peggy Clifford, Water Resources Program, Department of Ecology, by mail at P.O. Box 47600, Olympia, WA 98504-7600, by phone at (360) 407-7262, or by e-mail at pcli461@ecy.wa.gov.

(2) Copies of statutes and regulations cited in this chapter may be obtained from the ecology headquarters office at P.O. Box 47600, Olympia, WA 98504-7600, and on the internet at: <http://www.ecy.wa.gov/programs/wr/rules/rul-home.html>.



WSR 01-12-001**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Memorandum—May 15, 2001]

Special Meetings of the Board of Trustees

In accordance with provisions of the Open Public Meetings Act, RCW 42.30.080 Special meetings, the Shoreline Community College board of trustees will hold a special meeting as follows: Wednesday, May 16, 2001, 4:00 p.m., in the Administration Building Board Room.

All members of the governing body have been notified and eight local newspapers of general circulation have been faxed, including the written agenda for the special meeting.

Please contact (206) 546-4552 if you require further information.

WSR 01-12-008**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND**

(Statewide Rehabilitation Council)

[Memorandum—May 22, 2001]

2001 Statewide Rehabilitation Council Meeting

The dates and locations for the Washington State Department of Services for the Blind, Statewide Rehabilitation Council meetings are as follows:

Saturday, July 28, 2001

9 a.m. - 4 p.m.

Red Lion Hotel

510 Kelso Drive

Kelso, WA 98626

Saturday, September 22, 2001

9 a.m. - 4 p.m.

Red Lion Hotel

221 North Lincoln

Port Angeles, WA 98362

WSR 01-12-011**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—May 25, 2001]

The board of trustees of Bellingham Technical College will meet in a special session to announce their presidential decision on Thursday, May 24, 2001, 7:30 a.m. to 9 a.m., in the Building G Conference Center on the Bellingham Technical College campus. Call 738-3105 ext. 334 for information.

WSR 01-12-013**NOTICE OF PUBLIC MEETINGS
COUNTY ROAD
ADMINISTRATION BOARD**

[Memorandum—May 22, 2001]

This is a correction to our April 25, 2000 [2001], letter.

- R.A.P. SITE VISIT: July 18, 2001
(Site to be determined)
1:00 p.m. to 5:00 p.m.
- MEETING NOTICE: July 19, 2001
Notaras Lodge
13 Canna North
Soap Lake, WA 98851
8:00 p.m. [a.m.] to 5:00 p.m.
- PUBLIC HEARING: July 19, 2001
Notaras Lodge
13 Canna North
Soap Lake, WA 98851
2:00 p.m.
- R.A.P. SITE VISIT: July 20, 2001
(Site to be determined)
9:00 a.m. to 12:00 p.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Cheryl Heinemeyer at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

If you have questions, please contact (360) 753-5989.

WSR 01-12-014**OFFICE OF
COMMUNITY DEVELOPMENT**

[Filed May 25, 2001, 9:39 a.m.]

The Office of Community Development (OCD) will be publishing a draft of the 2002 low-income home energy assistance program (LIHEAP) abbreviated model plan.

The draft 2002 abbreviated plan will contain changes to the 2000 LIHEAP detailed plan. The 2000 detailed plan describes how the state of Washington, in conjunction with community-based public and private agencies, will provide energy assistance and weatherization services to low-income households. Both plans are based on the model plan format provided by the federal Department of Health and Human Services. This format ensures that the statutory requirements for LIHEAP are met.

A copy of the 2002 abbreviated plan will be available at www.liheapwa.org or www.ocd.wa.gov "Our Programs" and "LIHEAP" on May 24, 2001. The 2000 detailed plan and the 2001 abbreviated plan are currently located there. Copies can be mailed to you upon request. The abbreviated plan is also available in alternate formats upon request.

Written requests may be sent to Ms. Leona Malmberg, Department of Community, Trade and Economic Development, Community Services, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300.

You may also contact Ms. Malmberg by phone at (360) 725-2859 or by e-mail at leonam@cted.wa.gov to request a copy.

Will Graham
for Bruce Yasutake
Program Manager
Energy Services Section

dited prior authorization (EPA) process for selected nondurable medical equipment/supplies using the specific medical criteria identified within this numbered memorandum.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 21, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-12-016
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 25, 2001, 11:28 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-05 MAA.

Subject: Professional license required for occupational and physical therapists.

Effective Date: March 1, 2001.

Document Description: The purpose of this memorandum is to REMIND occupational therapists and physical therapists that they must have a current professional license with the Department of Health (DOH) before serving MAA clients.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 21, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-12-017
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 25, 2001, 11:29 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-06 MAA.

Subject: Expedited prior authorization process for selected nondurable medical equipment and supplies.

Effective Date: March 1, 2001.

Document Description: The purpose of this memo is to inform providers that effective for claims with dates of service on or after March 1, 2001, MAA established an expe-

WSR 01-12-018
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 25, 2001, 11:30 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-09 MAA.

Subject: Updates to prenatal diagnosis genetic counseling billing instructions.

Effective Date: March 26, 2001.

Document Description: The purpose of this memo is to inform providers that effective January 1, 2001, the Medical Assistance Administration (MAA) changed the following sections of the Prenatal Diagnosis Genetic Counseling billing instructions, dated October 2001: *About the Program* and the Healthy Options managed care plan portion of *Client Eligibility*.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 21, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-12-019
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 25, 2001, 11:32 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-11 MAA.

MISC.

Subject: Updated rates and procedure codes for wheelchairs durable medical equipment and supplies.

Effective Date: April 1, 2001.

Document Description: The purpose of this memo is to inform providers that effective for claims with dates of service on or after April 1, 2001, the Medical Assistance Administration (MAA) will use the rates and procedure codes attached to this memo for wheelchairs, accessories, cushions, parts, and related charges.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45530, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

May 21, 2001

E. A. Myers, Acting Manager
Regulatory Improvement Project

WSR 01-12-028
PROCLAMATION
OFFICE OF
THE GOVERNOR

[May 24, 2001]

WHEREAS, in accordance with Article II, Section 12, (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2001 regular session on April 22, 2001, the 105th day of the session, and adjourned the first special session of 2001 on May 24, 2001, the 30th day of the special session; and

WHEREAS, state operating, transportation and capital budgets, including bonds and measures necessary to implement them, were not passed; and

WHEREAS, substantial work remains to be done with respect to transportation, including reforms and efficiencies, regional governance, projects and investments, the Tacoma Narrows Bridge, revenue, and bonds; and

WHEREAS, work also remains to be done to pass legislation affecting the primary election system, accountability for student achievement, school safety - including anti-bullying policy, splitting the Department of Community, Trade and Economic Development, shorelines rule implementation, the siting of certain sexual predators at McNeil Island, post-retirement employment, medical coverage for the disabled who work, and welfare simplification;

NOW, THEREFORE, I, Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in a second special session in the Capitol at Olympia at twelve o'clock noon on June 4,

2001 for a period of not more than two weeks for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 24th day of May, A.D., two thousand one.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Sam Reed

Secretary of State

WSR 01-12-030

NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE

[Memorandum—May 23, 2001]

This is to advise you of the following change made to Walla Walla Community College's June board of trustees meeting schedule:

Changed from: June 27, 2001, 1:00 p.m., WWCC Main Campus

Changed to: June 27, 2001, 9:30 a.m., WWCC Main Campus

If you have any questions on this information, please call (509) 527-4274.

WSR 01-12-031

NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—May 29, 2001]

Eastern Washington University

BOARD OF TRUSTEES

ANNOUNCEMENT

of

Special Meeting

May 31, 2001

PUB 263-5-7

Cheney, WA 99004

The board of trustees will hold a special meeting on Thursday, May 31, 2001, at 10:00 a.m. The purpose of the meeting is to discuss a proposal to purchase a data warehouse for Eastern Washington University. In addition, action will be taken on a small number of personnel items.

WSR 01-12-045
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE

[Memorandum—May 31, 2001]

The board of trustees of Whatcom Community College, District Number Twenty-One, has cancelled its regularly scheduled meeting for June 12, 2001, at 2:00 p.m. in the Board Room at 237 West Kellogg Road, Bellingham, WA.

The rescheduled meeting will be held on June 5, 2001, at the same time and location.

June 5, 2001 2:00 p.m. Whatcom Community College
 Tuesday
 237 West Kellogg Road
 Bellingham, WA 98226

WSR 01-12-046
NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE

[Memorandum—May 31, 2001]

SPECIAL BOARD MEETING
 June 4, 2001
 4:30 p.m.

Kyoto Japanese Restaurant
 8722 South Tacoma Way
 Tacoma, WA

The board of trustees of Community College District Number 11 (Pierce College) will convene a SPECIAL BOARD MEETING on Monday, June 4, 2001, at 4:30 p.m. at 8722 South Tacoma Way, Tacoma WA.

The board will move into executive session to discuss the performance of a public employee. No final action will be taken during this executive session.

The next regular board meeting of the board of trustees of Pierce College will take place on Wednesday, June 13, 2001, at 12:30 p.m. at Pierce College Fort Steilacoom, 9401 Farwest Drive S.W., Lakewood, WA 98498.

WSR 01-12-050
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

(State Capitol Committee)

[Memorandum—June 1, 2001]

Following is the State Capitol Committee meeting scheduled for Thursday, June 19, 2001, has been rescheduled to:

Date: Thursday, July 19th
 Time: 9:00 a.m. to 11:00 a.m.
 Location: General Administration Building, Room 207

If you have any questions, call (360) 902-0970.

WSR 01-12-054
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 1, 2001, 3:40 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 01-06 MAA.
 Subject: Metric decimal billing reminder for prescription drug claims.

Effective Date: July 1, 2001.

Document Description: **Effective July 1, 2001**, the Medical Assistance Administration will implement mandatory metric decimal billing for prescription drug claims. Providers were previously notified of this change in Numbered Memorandum 00-73 MAA, dated December 28, 2000.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program support, P.O. Box 45533, Olympia, WA 98504, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

May 25, 2001

E. A. Myers, Acting Manager
 Regulatory Improvement Project

WSR 01-12-086
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS

(Correctional Industries)

[Memorandum—June 4, 2001]

The June 15 and 16, 2001, meeting of the Correctional Industries board of directors has been cancelled. The board was unable to reach a quorum.

WSR 01-12-087
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—June 1, 2001]

EDMONDS COMMUNITY COLLEGE
 BOARD OF TRUSTEES
 NOTICE OF SPECIAL MEETINGS
 TO MEDIA/OTHER

June 8, 2001* Employee Recognition Luncheon, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 11:30 a.m. - 1:00 p.m.

Purpose: Recognition of EdCC employees.

June 8, 2001* Technology Update, EdCC, Snohomish Hall, Room 304, 20000 68th Avenue West, Lynnwood, WA, 1:30 - 2:30 p.m.

Purpose: All-campus informational session regarding technology.

MISC.

- June 13-16, 2001* Association of Community College Trustees (ACCT) All-Regional Seminar, Palmer House Hilton, Chicago, Illinois.
Purpose: Trustee regional seminar.
- June 15, 2001* Edmonds Community College Commencement Ceremonies, Seaview Hall, 20000 68th Avenue West, Lynnwood, WA, 7:30 - 9:30 p.m.
Purpose: Commencement ceremonies.
- June 18, 2001* VIP Social for International Students, EdCC, Triton Union Building, Room 202, 20000 68th Avenue West, Lynnwood, WA, 12:00 noon - 1:00 p.m.
Purpose: To greet incoming international students.
- June 19, 2001* Twin Rivers Unit Commencement, TRCC Visiting Room, Monroe, Washington, 1:00 - 3:00 p.m.
Purpose: Commencement ceremonies for correctional facilities.
- June 20, 2001* Washington State Reformatory Commencement, WSR Visiting Room, Monroe, Washington, 1:00 - 3:00 p.m.
Purpose: Commencement ceremonies for correctional facilities.
- June 21, 2001 Edmonds Community College Board of Trustees Regular Board Meeting: EdCC, Snohomish Hall, Room 304A, 20226 68th Avenue West, Lynnwood, WA, 4:00 - 7:00 p.m.
Purpose: To address routine college business issues.
- June 26, 2001* Groundbreaking ceremonies for new Central Washington University/Edmonds Community College joint building "Snoqualmie Hall," EdCC, 20000 68th Avenue West, 200th Street Entrance to Campus, Lynnwood, WA, 11:30 a.m.
Purpose: Groundbreaking ceremonies for new building.

* This event is being scheduled as a special meeting, which is a study session where no action will be taken.

If you have questions, please contact Traci Troutman at (360) 236-4916 or by e-mail Traci.Troutman@doh.wa.gov.

WSR 01-12-088

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH

(Sex Offender Treatment Advisory Committee)

[Memorandum—June 4, 2001]

The Sex Offender Treatment Advisory Committee has cancelled the June 11, 2001, meeting in Olympia, Washington.

If you have questions, please contact Traci Troutman at (360) 236-4916 or by e-mail Traci.Troutman@doh.wa.gov.

WSR 01-12-089

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF HEALTH

(Board of Hearing and Speech)

[Memorandum—June 4, 2001]

The Board of Hearing and Speech has cancelled the August 3, 2001, board meeting date in Olympia, Washington. The next board meeting will be October 5, 2001, in SeaTac, Washington.



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
- OBJECT = 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 of existing section
- REVIEW = Review of previously adopted rule
- SUSP = Suspending an existing section

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal
- 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 #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
3- 20-100	NEW-P	01-05-034	16-143-060	REP-P	01-11-144	16-202-2001	NEW-P	01-06-053
3- 20-100	NEW	01-11-035	16-143-070	REP-P	01-11-144	16-202-2002	NEW-P	01-06-053
4- 25	PREP	01-11-076	16-143-080	REP-P	01-11-144	16-202-2003	NEW-P	01-06-053
4- 25-410	AMD-P	01-07-033	16-143-090	REP-P	01-11-144	16-202-2004	NEW-P	01-06-053
4- 25-410	AMD	01-11-124	16-143-100	REP-P	01-11-144	16-202-2005	NEW-P	01-06-053
4- 25-520	AMD-P	01-07-034	16-143-110	REP-P	01-11-144	16-202-2006	NEW-P	01-06-053
4- 25-520	AMD	01-11-125	16-156	AMD-P	01-12-100	16-202-2007	NEW-P	01-06-053
4- 25-521	AMD-P	01-07-035	16-156-004	AMD-P	01-12-100	16-202-2008	NEW-P	01-06-053
4- 25-521	AMD	01-11-126	16-156-030	AMD-P	01-12-100	16-202-2009	NEW-P	01-06-053
4- 25-600	AMD-P	01-07-036	16-156-035	AMD-P	01-12-100	16-202-2010	NEW-P	01-06-053
4- 25-600	AMD-W	01-11-123	16-156-050	AMD-P	01-12-100	16-202-2011	NEW-P	01-06-053
4- 25-610	AMD-P	01-07-037	16-156-060	AMD-P	01-12-100	16-202-2012	NEW-P	01-06-053
4- 25-610	AMD-W	01-11-123	16-156-070	NEW-P	01-12-100	16-202-2013	NEW-P	01-06-053
4- 25-620	REP-P	01-07-037	16-202	AMD-C	01-11-130	16-202-2014	NEW-P	01-06-053
4- 25-620	REP-W	01-11-123	16-202-1000	REP-P	01-06-052	16-202-2015	NEW-P	01-06-053
4- 25-622	AMD-P	01-07-038	16-202-1001	NEW-P	01-06-052	16-202-2016	NEW-P	01-06-053
4- 25-622	AMD-W	01-11-123	16-202-1002	NEW-P	01-06-052	16-202-2017	NEW-P	01-06-053
4- 25-626	AMD	01-03-012	16-202-1003	NEW-P	01-06-052	16-202-2018	NEW-P	01-06-053
4- 25-630	REP-P	01-07-037	16-202-1004	NEW-P	01-06-052	16-202-2019	NEW-P	01-06-053
4- 25-630	REP-W	01-11-123	16-202-1006	NEW-P	01-06-052	16-202-2020	NEW-P	01-06-053
4- 25-631	PREP	01-06-002	16-202-1007	NEW-P	01-06-052	16-202-2021	NEW-P	01-06-053
4- 25-640	AMD-P	01-07-039	16-202-1008	NEW-P	01-06-052	16-228	PREP	01-08-054
4- 25-640	AMD-W	01-11-123	16-202-1009	NEW-P	01-06-052	16-228-1155	NEW-W	01-02-080
4- 25-650	AMD-P	01-07-040	16-202-1010	NEW-P	01-06-052	16-228-2000	PREP	01-06-021
4- 25-650	AMD-W	01-11-123	16-202-1011	NEW-P	01-06-052	16-228-2020	PREP	01-06-021
4- 25-720	AMD-P	01-07-041	16-202-1012	NEW-P	01-06-052	16-228-2030	PREP	01-06-021
4- 25-721	AMD-P	01-07-042	16-202-1013	NEW-P	01-06-052	16-228-2040	PREP	01-06-021
4- 25-721	AMD	01-11-127	16-202-1014	NEW-P	01-06-052	16-238-010	NEW-E	01-05-003
4- 25-722	REP-P	01-07-043	16-202-1015	NEW-P	01-06-052	16-238-010	NEW-P	01-09-075
4- 25-722	REP-W	01-11-123	16-202-1016	NEW-P	01-06-052	16-238-010	NEW	01-12-021
4- 25-722	REP	01-11-128	16-202-1017	NEW-P	01-06-052	16-238-020	NEW-E	01-05-003
4- 25-730	AMD	01-03-011	16-202-1018	NEW-P	01-06-052	16-238-020	NEW-P	01-09-075
16-143	PREP	01-08-100	16-202-1019	NEW-P	01-06-052	16-238-020	NEW	01-12-021
16-143-005	NEW	01-03-049	16-202-1020	NEW-P	01-06-052	16-238-030	NEW-E	01-05-003
16-143-005	REP-P	01-11-144	16-202-1021	NEW-P	01-06-052	16-238-030	NEW-P	01-09-075
16-143-010	REP-P	01-11-144	16-202-1022	NEW-P	01-06-052	16-238-030	NEW	01-12-021
16-143-020	REP-P	01-11-144	16-202-1023	NEW-P	01-06-052	16-238-060	NEW-E	01-05-003
16-143-030	REP-P	01-11-144	16-202-1024	NEW-P	01-06-052	16-238-060	NEW-P	01-09-075
16-143-040	REP-P	01-11-144	16-202-1025	NEW-P	01-06-052	16-238-060	NEW	01-12-021
16-143-050	REP-P	01-11-144	16-202-2000	REP-P	01-06-053	16-238-070	NEW-E	01-05-003

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-238-070	NEW-P	01-09-075	16-470-101	NEW-P	01-11-145	51- 11-0505	AMD	01-03-010
16-238-070	NEW	01-12-021	16-470-103	NEW-P	01-11-145	51- 11-0530	AMD	01-03-010
16-238-080	NEW-E	01-05-003	16-470-105	NEW-P	01-11-145	51- 11-0601	AMD	01-03-010
16-238-082	NEW-E	01-05-003	16-470-108	NEW-P	01-11-145	51- 11-0602	AMD-W	01-07-073
16-238-082	NEW-P	01-09-075	16-470-110	REP-P	01-11-145	51- 11-0604	AMD	01-03-010
16-238-082	NEW	01-12-021	16-470-111	NEW-P	01-11-145	51- 11-0605	AMD	01-03-010
16-238-090	NEW-E	01-05-003	16-470-113	NEW-P	01-11-145	51- 11-0625	AMD	01-03-010
16-238-090	NEW-P	01-09-075	16-470-115	NEW-P	01-11-145	51- 11-0626	AMD	01-03-010
16-238-090	NEW	01-12-021	16-470-118	NEW-P	01-11-145	51- 11-0627	AMD	01-03-010
16-238-100	NEW-E	01-05-003	16-470-120	REP-P	01-11-145	51- 11-0628	AMD	01-03-010
16-238-100	NEW-P	01-09-075	16-470-122	NEW-P	01-11-145	51- 11-0630	AMD	01-03-010
16-238-100	NEW	01-12-021	16-470-125	NEW-P	01-11-145	51- 11-0701	AMD	01-03-010
16-238-110	NEW-E	01-05-003	16-470-127	NEW-P	01-11-145	51- 11-1001	AMD	01-03-010
16-238-110	NEW-P	01-09-075	16-470-130	AMD-P	01-11-145	51- 11-1002	AMD	01-03-010
16-238-110	NEW	01-12-021	16-470-911	AMD-P	01-07-096	51- 11-1003	AMD	01-03-010
16-321	PREP	01-06-019	16-470-911	AMD	01-11-033	51- 11-1004	AMD	01-03-010
16-328	PREP	01-03-140	16-470-912	NEW-P	01-07-096	51- 11-1005	AMD	01-03-010
16-328-010	AMD-P	01-07-098	16-470-912	NEW	01-11-033	51- 11-1006	AMD	01-03-010
16-328-010	AMD	01-11-032	16-470-916	AMD-P	01-07-096	51- 11-1007	AMD	01-03-010
16-328-011	NEW-P	01-07-098	16-470-916	AMD	01-11-033	51- 11-1008	AMD	01-03-010
16-328-011	NEW	01-11-032	16-470-917	NEW-P	01-07-096	51- 11-1009	AMD	01-03-010
16-333	PREP	01-03-139	16-470-917	NEW	01-11-033	51- 11-1132	AMD	01-03-010
16-333-040	AMD-P	01-07-097	16-470-921	AMD-P	01-07-096	51- 11-1201	REP	01-03-010
16-333-040	AMD	01-11-030	16-470-921	AMD	01-11-033	51- 11-1210	REP	01-03-010
16-333-041	NEW-P	01-07-097	16-516-100	NEW-P	01-04-088	51- 11-1312	AMD	01-03-010
16-333-041	NEW	01-11-030	16-516-100	NEW	01-09-028	51- 11-1313	AMD	01-03-010
16-333-045	AMD-P	01-07-097	16-516-170	NEW-P	01-04-088	51- 11-1322	AMD	01-03-010
16-333-045	AMD	01-11-030	16-516-170	NEW	01-09-028	51- 11-1323	AMD	01-03-010
16-333-085	AMD-P	01-07-097	16-550-040	AMD	01-05-047	51- 11-1331	AMD	01-03-010
16-333-085	AMD	01-11-030	16-555-020	AMD-P	01-05-132	51- 11-1334	AMD	01-03-010
16-400	PREP	01-11-122	16-557-020	AMD-P	01-02-094	51- 11-1401	AMD-W	01-07-073
16-400-040	AMD-P	01-07-095	16-557-020	AMD	01-10-087	51- 11-1410	AMD	01-03-010
16-400-040	AMD	01-11-086	16-602	PREP	01-04-008	51- 11-1411	AMD	01-03-010
16-400-100	AMD-P	01-07-095	16-602-005	REP-P	01-08-087	51- 11-1412	AMD	01-03-010
16-400-100	AMD	01-11-086	16-602-005	REP	01-11-146	51- 11-1414	AMD	01-03-010
16-400-210	AMD-P	01-07-095	16-602-010	REP-P	01-08-087	51- 11-1414	AMD	01-03-010
16-400-210	AMD	01-11-086	16-602-010	REP	01-11-146	51- 11-1415	AMD	01-03-010
16-401	PREP	01-02-101	16-602-010	REP	01-11-146	51- 11-1416	NEW	01-03-010
16-401-021	AMD-P	01-07-099	16-602-020	REP-P	01-08-087	51- 11-1423	AMD	01-03-010
16-401-021	AMD	01-11-031	16-602-020	REP	01-11-146	51- 11-1433	AMD	01-03-010
16-401-026	AMD-P	01-07-099	16-602-025	AMD-P	01-08-087	51- 11-1435	AMD	01-03-010
16-401-026	AMD	01-11-031	16-602-025	AMD	01-11-146	51- 11-1438	AMD	01-03-010
16-401-027	NEW-P	01-07-099	16-602-026	AMD-P	01-08-087	51- 11-1439	NEW	01-03-010
16-401-027	NEW	01-11-031	16-602-026	AMD	01-11-146	51- 11-1443	NEW	01-03-010
16-401-031	AMD-P	01-07-099	16-602-027	REP-P	01-08-087	51- 11-1443	NEW	01-03-010
16-401-031	AMD	01-11-031	16-602-027	REP	01-11-146	51- 11-1454	AMD	01-03-010
16-401-032	NEW-P	01-07-099	16-602-027	REP	01-11-146	51- 11-1512	AMD	01-03-010
16-401-032	NEW	01-11-031	16-602-027	REP-P	01-08-087	51- 11-1513	AMD	01-03-010
16-401-041	AMD-P	01-07-099	16-602-030	REP-P	01-11-146	51- 11-1521	AMD	01-03-010
16-401-041	AMD	01-11-031	16-602-030	REP	01-11-146	51- 11-1530	AMD	01-03-010
16-403	PREP	01-03-133	16-602-040	REP-P	01-08-087	51- 11-1531	AMD	01-03-010
16-403	PREP	01-04-093	16-602-040	REP	01-11-146	51- 11-1532	AMD	01-03-010
16-403	AMD	01-12-079	16-602-045	REP-P	01-08-087	51- 11-1701	REP	01-03-010
16-403-141	AMD-P	01-08-068	16-602-045	REP	01-11-146	51- 11-2000	REP	01-03-010
16-403-141	AMD	01-12-079	16-602-050	AMD-P	01-08-087	51- 11-2001	REP	01-03-010
16-403-143	AMD-P	01-08-068	16-602-050	AMD	01-11-146	51- 11-2002	REP	01-03-010
16-403-143	AMD	01-12-079	16-662-105	AMD-P	01-11-045	51- 11-2003	REP	01-03-010
16-403-220	AMD-P	01-08-068	16-662-110	AMD-P	01-11-045	51- 11-2004	REP	01-03-010
16-403-220	AMD	01-12-079	16-750	PREP	01-12-078	51- 11-2005	REP	01-03-010
16-470	PREP	01-02-100	51- 04-040	PREP	01-11-072	51- 11-2007	REP	01-03-010
16-470-010	AMD-P	01-11-145	51- 11-0101	AMD	01-03-010	51- 11-2008	REP	01-03-010
16-470-100	REP-P	01-11-145	51- 11-0201	AMD	01-03-010	51- 11-2009	REP	01-03-010
			51- 11-0502	AMD	01-03-010	51- 11-99902	AMD	01-03-010
			51- 11-0503	AMD	01-03-010	51- 11-99903	AMD	01-03-010
			51- 11-0504	AMD	01-03-010			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 11-99904	AMD	01-03-010	51- 44-1102	NEW	01-02-096	51- 46-0701	REP-W	01-05-029
51- 13-101	AMD	01-02-099	51- 44-1109	AMD	01-02-096	51- 46-0704	REP-W	01-05-029
51- 13-301	AMD	01-02-099	51- 44-2500	AMD	01-02-096	51- 46-0710	REP-W	01-05-029
51- 13-302	AMD	01-02-099	51- 44-5200	AMD	01-02-096	51- 46-0713	REP-W	01-05-029
51- 13-303	AMD	01-02-099	51- 44-6100	AMD-W	01-05-031	51- 46-0793	REP-W	01-05-029
51- 13-304	AMD	01-02-099	51- 44-6300	AMD-W	01-05-031	51- 46-0800	REP-W	01-05-029
51- 13-304	AMD	01-02-099	51- 44-7900	AMD	01-02-096	51- 46-0810	REP-W	01-05-029
51- 13-503	AMD	01-02-095	51- 44-8000	AMD-W	01-05-031	51- 46-0814	REP-W	01-05-029
51- 40-0200	AMD	01-02-095	51- 44-8102	NEW-S	01-05-031	51- 46-0815	REP-W	01-05-029
51- 40-0310	AMD	01-02-095	51- 45-10100	NEW-W	01-05-031	51- 46-0900	REP-W	01-05-029
51- 40-0313	AMD	01-02-095	51- 46-001	REP-W	01-05-029	51- 46-0903	REP-W	01-05-029
51- 40-0403	AMD-W	01-05-028	51- 46-002	REP-W	01-05-029	51- 46-1000	REP-W	01-05-029
51- 40-0804	AMD-W	01-05-028	51- 46-003	REP-W	01-05-029	51- 46-1003	REP-W	01-05-029
51- 40-0902	AMD	01-02-095	51- 46-007	REP-W	01-05-029	51- 46-1012	REP-W	01-05-029
51- 40-1003	AMD	01-02-095	51- 46-008	REP-W	01-05-029	51- 46-1300	REP-W	01-05-029
51- 40-1004	AMD	01-02-095	51- 46-0100	REP-W	01-05-029	51- 46-1301	REP-W	01-05-029
51- 40-1103	AMD-W	01-05-028	51- 46-0101	REP-W	01-05-029	51- 46-1302	REP-W	01-05-029
51- 40-1104	AMD	01-02-095	51- 46-0102	REP-W	01-05-029	51- 46-1303	REP-W	01-05-029
51- 40-1105	AMD	01-02-095	51- 46-0103	REP-W	01-05-029	51- 46-1304	REP-W	01-05-029
51- 40-1106	AMD	01-02-095	51- 46-0103	REP-W	01-05-029	51- 46-1305	REP-W	01-05-029
51- 40-1202	NEW	01-02-095	51- 46-0200	AMD	01-02-097	51- 46-1400	REP-W	01-05-029
51- 40-1203	AMD	01-02-095	51- 46-0205	REP-W	01-05-029	51- 46-1401	REP-W	01-05-029
51- 40-1505	NEW-W	01-05-028	51- 46-0215	REP-W	01-05-029	51- 46-1491	REP-W	01-05-029
51- 40-1600	NEW-W	01-05-028	51- 46-0218	REP-W	01-05-029	51- 46-97120	REP-W	01-05-029
51- 40-1616	AMD-W	01-05-028	51- 46-0300	REP-W	01-05-029	51- 46-97121	REP-W	01-05-029
51- 40-1700	NEW-W	01-05-028	51- 46-0301	REP-W	01-05-029	51- 46-97122	REP-W	01-05-029
51- 40-1800	NEW-W	01-05-028	51- 46-0310	REP-W	01-05-029	51- 46-97123	REP-W	01-05-029
51- 40-1900	NEW-W	01-05-028	51- 46-0311	REP-W	01-05-029	51- 46-97124	REP-W	01-05-029
51- 40-2000	NEW-W	01-05-028	51- 46-0313	REP-W	01-05-029	51- 46-97124	REP-W	01-05-029
51- 40-2100	NEW-W	01-05-028	51- 46-0314	REP-W	01-05-029	51- 46-97125	REP-W	01-05-029
51- 40-2106	NEW-W	01-05-028	51- 46-0316	REP-W	01-05-029	51- 46-97126	REP-W	01-05-029
51- 40-2200	NEW-W	01-05-028	51- 46-0316	REP-W	01-05-029	51- 46-97127	REP-W	01-05-029
51- 40-2300	NEW-W	01-05-028	51- 46-0392	REP-W	01-05-029	51- 46-97128	REP-W	01-05-029
51- 40-2300	NEW-W	01-05-028	51- 46-0400	REP-W	01-05-029	51- 46-97128	REP-W	01-05-029
51- 40-2900	AMD	01-02-095	51- 46-0402	REP-W	01-05-029	51- 47-001	REP-W	01-05-029
51- 40-2929	AMD-W	01-05-028	51- 46-0412	REP-W	01-05-029	51- 47-002	REP-W	01-05-029
51- 40-3102	AMD	01-02-095	51- 46-0413	REP-W	01-05-029	51- 47-003	REP-W	01-05-029
51- 40-31200	AMD	01-02-095	51- 46-0500	REP-W	01-05-029	51- 47-007	REP-W	01-05-029
51- 42-0405	NEW	01-02-098	51- 46-0501	REP-W	01-05-029	51- 47-008	REP-W	01-05-029
51- 42-1101	AMD-W	01-05-030	51- 46-0502	REP-W	01-05-029	51- 56-001	NEW-W	01-05-029
51- 42-1103	AMD	01-02-098	51- 46-0505	REP-W	01-05-029	51- 56-002	NEW-W	01-05-029
51- 42-1105	AMD	01-02-098	51- 46-0507	REP-W	01-05-029	51- 56-003	NEW-W	01-05-029
51- 42-1109	NEW	01-02-098	51- 46-0509	REP-W	01-05-029	51- 56-007	NEW-W	01-05-029
51- 42-1110	NEW	01-02-098	51- 46-0512	REP-W	01-05-029	51- 56-008	NEW-W	01-05-029
51- 42-1111	NEW	01-02-098	51- 46-0513	REP-W	01-05-029	51- 56-0100	NEW-W	01-05-029
51- 42-1112	NEW	01-02-098	51- 46-0514	REP-W	01-05-029	51- 56-0200	NEW-W	01-05-029
51- 42-1113	NEW	01-02-098	51- 46-0515	REP-W	01-05-029	51- 56-0300	NEW-W	01-05-029
51- 42-1114	NEW	01-02-098	51- 46-0516	REP-W	01-05-029	51- 56-0400	NEW-W	01-05-029
51- 42-1115	NEW	01-02-098	51- 46-0517	REP-W	01-05-029	51- 56-0500	NEW-W	01-05-029
51- 42-1116	NEW	01-02-098	51- 46-0518	REP-W	01-05-029	51- 56-0600	NEW-W	01-05-029
51- 42-1117	NEW	01-02-098	51- 46-0519	REP-W	01-05-029	51- 56-0700	NEW-W	01-05-029
51- 42-1118	NEW	01-02-098	51- 46-0520	REP-W	01-05-029	51- 56-0800	NEW-W	01-05-029
51- 42-1119	NEW	01-02-098	51- 46-0521	REP-W	01-05-029	51- 56-0900	NEW-W	01-05-029
51- 42-1120	NEW	01-02-098	51- 46-0522	REP-W	01-05-029	51- 56-1300	NEW-W	01-05-029
51- 42-1121	NEW	01-02-098	51- 46-0523	REP-W	01-05-029	51- 56-1400	NEW-W	01-05-029
51- 42-1122	NEW	01-02-098	51- 46-0524	REP-W	01-05-029	51- 56-1500	NEW-W	01-05-029
51- 42-1123	NEW	01-02-098	51- 46-0525	REP-W	01-05-029	51- 56-201300	NEW-W	01-05-029
51- 42-1124	NEW	01-02-098	51- 46-0600	REP-W	01-05-029	51- 57-001	NEW-W	01-05-029
51- 42-1126	NEW	01-02-098	51- 46-0603	AMD	01-02-097	51- 57-002	NEW-W	01-05-029
51- 42-1301	NEW	01-02-098	51- 46-0604	REP-W	01-05-029	51- 57-003	NEW-W	01-05-029
51- 44-0103	AMD	01-02-096	51- 46-0608	REP-W	01-05-029	51- 57-007	NEW-W	01-05-029
51- 44-0105	NEW	01-02-096	51- 46-0609	REP-W	01-05-029	51- 57-008	NEW-W	01-05-029
51- 44-0200	AMD	01-02-096	51- 46-0610	REP-W	01-05-029	51- 57-790000	NEW-W	01-05-029
51- 44-1007	AMD	01-02-096	51- 46-0700	REP-W	01-05-029			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51- 57-895000	NEW-W	01-05-029	82- 50-021	AMD	01-12-007	132W-104-110	REP	01-07-059
72-120-100	AMD-P	01-09-057	118- 68-010	NEW	01-09-045	132W-104-111	REP-P	01-04-004
72-120-200	AMD-P	01-09-057	118- 68-020	NEW	01-09-045	132W-104-111	REP	01-07-059
72-120-220	AMD-P	01-09-057	118- 68-030	NEW	01-09-045	132W-104-120	REP-P	01-04-004
72-120-225	AMD-P	01-09-057	118- 68-040	NEW	01-09-045	132W-104-120	REP	01-07-059
72-120-230	AMD-P	01-09-057	118- 68-050	NEW	01-09-045	132W-104-130	REP-P	01-04-004
72-120-234	AMD-P	01-09-057	118- 68-060	NEW	01-09-045	132W-104-130	REP	01-07-059
72-120-236	AMD-P	01-09-057	118- 68-070	NEW	01-09-045	132W-105-010	NEW-P	01-07-058
72-120-300	NEW-P	01-09-057	118- 68-080	NEW	01-09-045	132W-105-010	NEW	01-12-015
72-120-301	NEW-P	01-09-057	118- 68-090	NEW	01-09-045	132W-105-020	NEW-P	01-07-058
72-120-302	NEW-P	01-09-057	131	PREP	01-09-061	132W-105-020	NEW	01-12-015
72-120-303	NEW-P	01-09-057	132A-120-011	AMD-P	01-03-116	132W-105-030	NEW-P	01-07-058
72-120-304	NEW-P	01-09-057	132A-120-011	AMD	01-08-071	132W-105-030	NEW	01-12-015
72-120-305	NEW-P	01-09-057	132A-120-021	AMD-P	01-03-116	132W-105-040	NEW-P	01-07-058
72-120-306	NEW-P	01-09-057	132A-120-021	AMD	01-08-071	132W-105-040	NEW	01-12-015
72-120-307	NEW-P	01-09-057	132G-120-010	AMD-P	01-08-082	132W-105-050	NEW-P	01-07-058
72-120-308	NEW-P	01-09-057	132G-120-015	NEW-P	01-08-082	132W-105-050	NEW	01-12-015
72-120-309	NEW-P	01-09-057	132G-120-020	REP-P	01-08-082	132W-105-060	NEW-P	01-07-058
72-120-310	NEW-P	01-09-057	132G-120-030	AMD-P	01-08-082	132W-105-060	NEW	01-12-015
72-120-311	NEW-P	01-09-057	132G-120-040	AMD-P	01-08-082	132W-105-070	NEW-P	01-07-058
72-120-312	NEW-P	01-09-057	132G-120-060	AMD-P	01-08-082	132W-105-070	NEW	01-12-015
72-120-313	NEW-P	01-09-057	132G-120-061	AMD-P	01-08-082	132W-105-080	NEW-P	01-07-058
72-120-314	NEW-P	01-09-057	132G-120-062	AMD-P	01-08-082	132W-105-080	NEW	01-12-015
72-171-001	AMD-P	01-09-019	132G-120-063	AMD-P	01-08-082	132W-108	PREP	01-03-103
72-171-010	AMD-P	01-09-019	132G-120-064	AMD-P	01-08-082	132W-108-001	REP-P	01-04-004
72-171-015	AMD-P	01-09-019	132G-120-065	AMD-P	01-08-082	132W-108-001	REP	01-07-059
72-171-016	AMD-P	01-09-019	132G-120-070	AMD-P	01-08-082	132W-108-005	REP-P	01-04-004
72-171-100	REP-P	01-09-019	132G-120-080	AMD-P	01-08-082	132W-108-005	REP	01-07-059
72-171-110	AMD-P	01-09-019	132G-120-090	AMD-P	01-08-082	132W-108-010	REP-P	01-04-004
72-171-120	AMD-P	01-09-019	132G-120-100	AMD-P	01-08-082	132W-108-010	REP	01-07-059
72-171-130	REP-P	01-09-019	132G-120-110	AMD-P	01-08-082	132W-108-080	REP-P	01-04-004
72-171-131	NEW-P	01-09-019	132G-120-120	REP-P	01-08-082	132W-108-080	REP	01-07-059
72-171-140	AMD-P	01-09-019	132G-120-130	AMD-P	01-08-082	132W-108-090	REP-P	01-04-004
72-171-150	AMD-P	01-09-019	132G-120-140	AMD-P	01-08-082	132W-108-090	REP	01-07-059
72-171-200	REP-P	01-09-019	132K-122-020	PREP	01-03-125	132W-108-100	REP-P	01-04-004
72-171-210	AMD-P	01-09-019	132K-122-020	AMD-P	01-07-062	132W-108-100	REP	01-07-059
72-171-220	AMD-P	01-09-019	132K-122-020	AMD	01-11-068	132W-108-110	REP-P	01-04-004
72-171-230	AMD-P	01-09-019	132K-122-100	PREP	01-03-126	132W-108-110	REP	01-07-059
72-171-240	AMD-P	01-09-019	132K-122-100	AMD-P	01-07-061	132W-108-120	REP-P	01-04-004
72-171-242	NEW-P	01-09-019	132K-122-100	AMD	01-11-067	132W-108-120	REP	01-07-059
72-171-244	NEW-P	01-09-019	132W-104	PREP	01-03-103	132W-108-130	REP-P	01-04-004
72-171-400	REP-P	01-09-019	132W-104-010	REP-P	01-04-004	132W-108-130	REP	01-07-059
72-171-410	AMD-P	01-09-019	132W-104-010	REP	01-07-059	132W-108-140	REP-P	01-04-004
72-171-420	REP-P	01-09-019	132W-104-020	REP-P	01-04-004	132W-108-140	REP	01-07-059
72-171-430	REP-P	01-09-019	132W-104-020	REP	01-07-059	132W-108-230	REP-P	01-04-004
72-171-500	AMD-P	01-09-019	132W-104-030	REP-P	01-04-004	132W-108-230	REP	01-07-059
72-171-510	AMD-P	01-09-019	132W-104-030	REP	01-07-059	132W-108-240	REP-P	01-04-004
72-171-512	NEW-P	01-09-019	132W-104-040	REP-P	01-04-004	132W-108-240	REP	01-07-059
72-171-514	NEW-P	01-09-019	132W-104-040	REP	01-07-059	132W-108-250	REP-P	01-04-004
72-171-550	NEW-P	01-09-019	132W-104-050	REP-P	01-04-004	132W-108-250	REP	01-07-059
72-171-600	REP-P	01-09-019	132W-104-050	REP	01-07-059	132W-108-260	REP-P	01-04-004
72-171-601	NEW-P	01-09-019	132W-104-060	REP-P	01-04-004	132W-108-260	REP	01-07-059
72-171-605	NEW-P	01-09-019	132W-104-060	REP	01-07-059	132W-108-270	REP-P	01-04-004
72-171-610	REP-P	01-09-019	132W-104-070	REP-P	01-04-004	132W-108-270	REP	01-07-059
72-171-620	REP-P	01-09-019	132W-104-070	REP	01-07-059	132W-108-280	REP-P	01-04-004
72-171-630	REP-P	01-09-019	132W-104-080	REP-P	01-04-004	132W-108-280	REP	01-07-059
72-171-640	REP-P	01-09-019	132W-104-080	REP	01-07-059	132W-108-290	REP-P	01-04-004
72-171-650	AMD-P	01-09-019	132W-104-090	REP-P	01-04-004	132W-108-290	REP	01-07-059
72-171-700	REP-P	01-09-019	132W-104-090	REP	01-07-059	132W-108-300	REP-P	01-04-004
72-171-710	NEW-P	01-09-019	132W-104-100	REP-P	01-04-004	132W-108-300	REP	01-07-059
72-171-710	NEW-W	01-10-018	132W-104-100	REP	01-07-059	132W-108-310	REP-P	01-04-004
82- 50-021	AMD-P	01-09-085	132W-104-110	REP-P	01-04-004	132W-108-310	REP	01-07-059

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-108-320	REP-P	01-04-004	132W-112-080	NEW	01-12-015	132W-116-020	REP	01-07-059
132W-108-320	REP	01-07-059	132W-112-090	NEW-P	01-07-058	132W-116-040	REP-P	01-04-004
132W-108-330	REP-P	01-04-004	132W-112-090	NEW	01-12-015	132W-116-040	REP	01-07-059
132W-108-330	REP	01-07-059	132W-112-100	NEW-P	01-07-058	132W-116-050	REP-P	01-04-004
132W-108-340	REP-P	01-04-004	132W-112-100	NEW	01-12-015	132W-116-050	REP	01-07-059
132W-108-340	REP	01-07-059	132W-112-110	NEW-P	01-07-058	132W-116-065	REP-P	01-04-004
132W-108-350	REP-P	01-04-004	132W-112-110	NEW	01-12-015	132W-116-065	REP	01-07-059
132W-108-350	REP	01-07-059	132W-112-120	NEW-P	01-07-058	132W-117-010	NEW-P	01-07-058
132W-108-360	REP-P	01-04-004	132W-112-120	NEW	01-12-015	132W-117-010	NEW	01-12-015
132W-108-360	REP	01-07-059	132W-112-130	NEW-P	01-07-058	132W-117-020	NEW-P	01-07-058
132W-108-400	REP-P	01-04-004	132W-112-130	NEW	01-12-015	132W-117-020	NEW	01-12-015
132W-108-400	REP	01-07-059	132W-112-140	NEW-P	01-07-058	132W-117-030	NEW-P	01-07-058
132W-108-410	REP-P	01-04-004	132W-112-140	NEW	01-12-015	132W-117-030	NEW	01-12-015
132W-108-410	REP	01-07-059	132W-115	PREP	01-03-103	132W-117-040	NEW-P	01-07-058
132W-108-420	REP-P	01-04-004	132W-115-010	NEW-P	01-07-058	132W-117-040	NEW	01-12-015
132W-108-420	REP	01-07-059	132W-115-010	NEW	01-12-015	132W-117-050	NEW-P	01-07-058
132W-108-430	REP-P	01-04-004	132W-115-020	NEW-P	01-07-058	132W-117-050	NEW	01-12-015
132W-108-430	REP	01-07-059	132W-115-020	NEW	01-12-015	132W-117-060	NEW-P	01-07-058
132W-108-440	REP-P	01-04-004	132W-115-030	NEW-P	01-07-058	132W-117-060	NEW	01-12-015
132W-108-440	REP	01-07-059	132W-115-030	NEW	01-12-015	132W-117-070	NEW-P	01-07-058
132W-108-450	REP-P	01-04-004	132W-115-040	NEW-P	01-07-058	132W-117-070	NEW	01-12-015
132W-108-450	REP	01-07-059	132W-115-040	NEW	01-12-015	132W-117-080	NEW-P	01-07-058
132W-108-460	REP-P	01-04-004	132W-115-050	NEW-P	01-07-058	132W-117-080	NEW	01-12-015
132W-108-460	REP	01-07-059	132W-115-050	NEW	01-12-015	132W-117-090	NEW-P	01-07-058
132W-108-470	REP-P	01-04-004	132W-115-060	NEW-P	01-07-058	132W-117-090	NEW	01-12-015
132W-108-470	REP	01-07-059	132W-115-060	NEW	01-12-015	132W-117-100	NEW-P	01-07-058
132W-108-480	REP-P	01-04-004	132W-115-070	NEW-P	01-07-058	132W-117-100	NEW	01-12-015
132W-108-480	REP	01-07-059	132W-115-070	NEW	01-12-015	132W-117-110	NEW-P	01-07-058
132W-109-010	NEW-P	01-07-058	132W-115-080	NEW-P	01-07-058	132W-117-110	NEW	01-12-015
132W-109-010	NEW	01-12-015	132W-115-080	NEW	01-12-015	132W-117-120	NEW-P	01-07-058
132W-109-020	NEW-P	01-07-058	132W-115-090	NEW-P	01-07-058	132W-117-120	NEW	01-12-015
132W-109-020	NEW	01-12-015	132W-115-090	NEW	01-12-015	132W-117-130	NEW-P	01-07-058
132W-109-030	NEW-P	01-07-058	132W-115-100	NEW-P	01-07-058	132W-117-130	NEW	01-12-015
132W-109-030	NEW	01-12-015	132W-115-100	NEW	01-12-015	132W-117-140	NEW-P	01-07-058
132W-109-040	NEW-P	01-07-058	132W-115-110	NEW-P	01-07-058	132W-117-140	NEW	01-12-015
132W-109-040	NEW	01-12-015	132W-115-110	NEW	01-12-015	132W-117-150	NEW-P	01-07-058
132W-109-050	NEW-P	01-07-058	132W-115-120	NEW-P	01-07-058	132W-117-150	NEW	01-12-015
132W-109-050	NEW	01-12-015	132W-115-120	NEW	01-12-015	132W-117-160	NEW-P	01-07-058
132W-109-060	NEW-P	01-07-058	132W-115-130	NEW-P	01-07-058	132W-117-160	NEW	01-12-015
132W-109-060	NEW	01-12-015	132W-115-130	NEW	01-12-015	132W-117-170	NEW-P	01-07-058
132W-109-070	NEW-P	01-07-058	132W-115-140	NEW-P	01-07-058	132W-117-170	NEW	01-12-015
132W-109-070	NEW	01-12-015	132W-115-140	NEW	01-12-015	132W-117-180	NEW-P	01-07-058
132W-109-085	NEW-P	01-07-058	132W-115-150	NEW-P	01-07-058	132W-117-180	NEW	01-12-015
132W-109-085	NEW	01-12-015	132W-115-150	NEW	01-12-015	132W-117-190	NEW-P	01-07-058
132W-112	PREP	01-03-103	132W-115-160	NEW-P	01-07-058	132W-117-190	NEW	01-12-015
132W-112-001	NEW-P	01-07-058	132W-115-160	NEW	01-12-015	132W-117-200	NEW-P	01-07-058
132W-112-001	NEW	01-12-015	132W-115-170	NEW-P	01-07-058	132W-117-200	NEW	01-12-015
132W-112-010	NEW-P	01-07-058	132W-115-170	NEW	01-12-015	132W-117-210	NEW-P	01-07-058
132W-112-010	NEW	01-12-015	132W-115-180	NEW-P	01-07-058	132W-117-210	NEW	01-12-015
132W-112-020	NEW-P	01-07-058	132W-115-180	NEW	01-12-015	132W-117-220	NEW-P	01-07-058
132W-112-020	NEW	01-12-015	132W-115-190	NEW-P	01-07-058	132W-117-220	NEW	01-12-015
132W-112-030	NEW-P	01-07-058	132W-115-190	NEW	01-12-015	132W-117-230	NEW-P	01-07-058
132W-112-030	NEW	01-12-015	132W-115-200	NEW-P	01-07-058	132W-117-230	NEW	01-12-015
132W-112-040	NEW-P	01-07-058	132W-115-200	NEW	01-12-015	132W-117-240	NEW-P	01-07-058
132W-112-040	NEW	01-12-015	132W-115-210	NEW-P	01-07-058	132W-117-240	NEW	01-12-015
132W-112-050	NEW-P	01-07-058	132W-115-210	NEW	01-12-015	132W-117-250	NEW-P	01-07-058
132W-112-050	NEW	01-12-015	132W-115-220	NEW-P	01-07-058	132W-117-250	NEW	01-12-015
132W-112-060	NEW-P	01-07-058	132W-115-220	NEW	01-12-015	132W-117-260	NEW-P	01-07-058
132W-112-060	NEW	01-12-015	132W-116	PREP	01-03-103	132W-117-260	NEW	01-12-015
132W-112-070	NEW-P	01-07-058	132W-116-010	REP-P	01-04-004	132W-117-270	NEW-P	01-07-058
132W-112-070	NEW	01-12-015	132W-116-010	REP	01-07-059	132W-117-270	NEW	01-12-015
132W-112-080	NEW-P	01-07-058	132W-116-020	REP-P	01-04-004	132W-117-280	NEW-P	01-07-058

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
132W-117-280	NEW	01-12-015	132W-164-011	REP-P	01-10-016	132W-300-050	NEW-P	01-10-015
132W-120-010	REP-P	01-04-004	132W-164-012	REP-P	01-10-016	132W-300-060	NEW-P	01-10-015
132W-120-010	REP	01-07-059	132W-164-013	REP-P	01-10-016	132W-325	PREP	01-03-103
132W-120-030	REP-P	01-04-004	132W-164-020	REP-P	01-10-016	132W-325-010	NEW-P	01-07-058
132W-120-030	REP	01-07-059	132W-168	PREP	01-06-010	132W-325-010	NEW	01-12-015
132W-120-040	REP-P	01-04-004	132W-168-010	NEW-P	01-10-015	136-130-030	AMD	01-05-009
132W-120-040	REP	01-07-059	132W-168-020	NEW-P	01-10-015	136-130-040	AMD-P	01-06-017
132W-120-050	REP-P	01-04-004	132W-168-030	NEW-P	01-10-015	136-130-040	AMD	01-09-077
132W-120-050	REP	01-07-059	132W-168-040	NEW-P	01-10-015	136-130-050	AMD	01-05-009
132W-120-060	REP-P	01-04-004	132W-276	PREP	01-03-103	136-130-060	AMD	01-05-009
132W-120-060	REP	01-07-059	132W-276-001	REP-P	01-04-004	136-130-070	AMD	01-05-009
132W-120-070	REP-P	01-04-004	132W-276-001	REP	01-07-059	136-150-020	AMD-P	01-12-051
132W-120-070	REP	01-07-059	132W-276-005	REP-P	01-04-004	136-150-022	AMD-P	01-12-051
132W-120-100	REP-P	01-04-004	132W-276-005	REP	01-07-059	136-150-023	AMD-P	01-12-051
132W-120-100	REP	01-07-059	132W-276-010	REP-P	01-04-004	136-150-024	AMD-P	01-12-051
132W-120-130	REP-P	01-04-004	132W-276-010	REP	01-07-059	136-150-030	AMD-P	01-12-051
132W-120-130	REP	01-07-059	132W-276-060	REP-P	01-04-004	136-150-040	AMD-P	01-12-051
132W-120-300	REP-P	01-04-004	132W-276-060	REP	01-07-059	136-161-020	AMD	01-05-009
132W-120-300	REP	01-07-059	132W-276-070	REP-P	01-04-004	136-161-030	AMD	01-05-009
132W-120-310	REP-P	01-04-004	132W-276-070	REP	01-07-059	136-161-040	AMD	01-05-009
132W-120-310	REP	01-07-059	132W-276-080	REP-P	01-04-004	136-161-050	AMD	01-05-009
132W-120-320	REP-P	01-04-004	132W-276-080	REP	01-07-059	136-161-070	AMD	01-05-009
132W-120-320	REP	01-07-059	132W-276-090	REP-P	01-04-004	136-163-050	AMD	01-05-009
132W-120-330	REP-P	01-04-004	132W-276-090	REP	01-07-059	136-167-040	AMD-P	01-06-017
132W-120-330	REP	01-07-059	132W-276-100	REP-P	01-04-004	136-167-040	AMD	01-09-077
132W-120-400	REP-P	01-04-004	132W-276-100	REP	01-07-059	136-170-030	AMD	01-05-008
132W-120-400	REP	01-07-059	132W-276-110	REP-P	01-04-004	136-210-020	AMD-P	01-12-051
132W-125-010	NEW-P	01-07-058	132W-276-110	REP	01-07-059	136-210-030	AMD	01-05-009
132W-125-010	NEW	01-12-015	132W-277-010	NEW-P	01-07-058	136-210-040	AMD	01-05-009
132W-125-020	NEW-P	01-07-058	132W-277-010	NEW	01-12-015	136-210-050	AMD	01-05-009
132W-125-020	NEW	01-12-015	132W-277-020	NEW-P	01-07-058	137-04-010	AMD	01-03-079
132W-125-030	NEW-P	01-07-058	132W-277-020	NEW	01-12-015	137-04-020	AMD	01-03-079
132W-125-030	NEW	01-12-015	132W-277-030	NEW-P	01-07-058	137-52-010	AMD	01-04-001
132W-129	PREP	01-06-011	132W-277-030	NEW	01-12-015	137-104-010	NEW	01-04-044
132W-129-001	REP-P	01-10-016	132W-277-040	NEW-P	01-07-058	137-104-020	NEW	01-04-044
132W-130	PREP	01-06-010	132W-277-040	NEW	01-12-015	137-104-030	NEW	01-04-044
132W-131-010	NEW-P	01-10-015	132W-277-050	NEW-P	01-07-058	137-104-040	NEW	01-04-044
132W-131-020	NEW-P	01-10-015	132W-277-050	NEW	01-12-015	137-104-050	NEW	01-04-044
132W-131-030	NEW-P	01-10-015	132W-277-060	NEW-P	01-07-058	137-104-060	NEW	01-04-044
132W-134	PREP	01-06-010	132W-277-060	NEW	01-12-015	137-104-070	NEW	01-04-044
132W-134-010	NEW-P	01-10-015	132W-277-070	NEW-P	01-07-058	137-104-080	NEW	01-04-044
132W-135-010	REP-P	01-04-004	132W-277-070	NEW	01-12-015	139-05	PREP	01-08-033
132W-135-010	REP	01-07-059	132W-277-080	NEW-P	01-07-058	142-30-010	AMD-P	01-12-058
132W-140	PREP	01-06-010	132W-277-080	NEW	01-12-015	148-120-100	AMD-P	01-12-062
132W-140	PREP	01-06-011	132W-277-090	NEW-P	01-07-058	148-120-200	AMD-P	01-12-062
132W-140-010	REP-P	01-10-016	132W-277-090	NEW	01-12-015	148-120-220	AMD-P	01-12-062
132W-140-011	REP-P	01-10-016	132W-277-100	NEW-P	01-07-058	148-120-225	AMD-P	01-12-062
132W-140-012	REP-P	01-10-016	132W-277-100	NEW	01-12-015	148-120-230	AMD-P	01-12-062
132W-140-013	REP-P	01-10-016	132W-277-110	NEW-P	01-07-058	148-120-234	AMD-P	01-12-062
132W-141-010	NEW-P	01-10-015	132W-277-110	NEW	01-12-015	148-120-236	AMD-P	01-12-062
132W-141-020	NEW-P	01-10-015	132W-277-120	NEW-P	01-07-058	148-120-300	NEW-P	01-12-062
132W-141-030	NEW-P	01-10-015	132W-277-120	NEW	01-12-015	148-120-301	NEW-P	01-12-062
132W-141-040	NEW-P	01-10-015	132W-277-130	NEW-P	01-07-058	148-120-302	NEW-P	01-12-062
132W-141-050	NEW-P	01-10-015	132W-277-130	NEW	01-12-015	148-120-303	NEW-P	01-12-062
132W-141-060	NEW-P	01-10-015	132W-277-140	NEW-P	01-07-058	148-120-304	NEW-P	01-12-062
132W-141-070	NEW-P	01-10-015	132W-277-140	NEW	01-12-015	148-120-305	NEW-P	01-12-062
132W-141-080	NEW-P	01-10-015	132W-300	PREP	01-06-056	148-120-306	NEW-P	01-12-062
132W-141-090	NEW-P	01-10-015	132W-300-001	NEW-P	01-10-015	148-120-307	NEW-P	01-12-062
132W-149	PREP	01-06-011	132W-300-010	NEW-P	01-10-015	148-120-308	NEW-P	01-12-062
132W-149-010	REP-P	01-10-016	132W-300-020	NEW-P	01-10-015	148-120-309	NEW-P	01-12-062
132W-164	PREP	01-06-011	132W-300-030	NEW-P	01-10-015	148-120-310	NEW-P	01-12-062
132W-164-010	REP-P	01-10-016	132W-300-040	NEW-P	01-10-015	148-120-311	NEW-P	01-12-062

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
148-120-312	NEW-P	01-12-062	173-167-065	NEW-E	01-12-068	173-340-702	AMD	01-05-024
148-120-313	NEW-P	01-12-062	173-167-070	NEW-E	01-10-004	173-340-703	NEW	01-05-024
148-120-314	NEW-P	01-12-062	173-167-070	REP-E	01-12-067	173-340-704	AMD	01-05-024
148-171-001	AMD-P	01-12-061	173-167-075	NEW-E	01-12-068	173-340-705	AMD	01-05-024
148-171-010	AMD-P	01-12-061	173-167-080	NEW-E	01-10-004	173-340-706	AMD	01-05-024
148-171-015	AMD-P	01-12-061	173-167-080	REP-E	01-12-067	173-340-708	AMD	01-05-024
148-171-110	AMD-P	01-12-061	173-167-085	NEW-E	01-12-068	173-340-709	NEW	01-05-024
148-171-120	AMD-P	01-12-061	173-167-090	NEW-E	01-10-004	173-340-710	AMD	01-05-024
148-171-130	REP-P	01-12-061	173-167-090	REP-E	01-12-067	173-340-720	AMD	01-05-024
148-171-131	NEW-P	01-12-061	173-167-095	NEW-E	01-12-068	173-340-730	AMD	01-05-024
148-171-140	AMD-P	01-12-061	173-167-095	NEW-E	01-12-068	173-340-740	AMD	01-05-024
148-171-150	AMD-P	01-12-061	173-204	PREP-W	01-08-053	173-340-745	AMD	01-05-024
148-171-200	REP-P	01-12-061	173-321-010	AMD	01-05-024	173-340-747	NEW	01-05-024
148-171-210	AMD-P	01-12-061	173-321-020	AMD	01-05-024	173-340-7490	NEW	01-05-024
148-171-220	AMD-P	01-12-061	173-321-040	AMD	01-05-024	173-340-7491	NEW	01-05-024
148-171-230	AMD-P	01-12-061	173-321-050	AMD	01-05-024	173-340-7492	NEW	01-05-024
148-171-240	AMD-P	01-12-061	173-321-060	AMD	01-05-024	173-340-7493	NEW	01-05-024
148-171-242	NEW-P	01-12-061	173-321-070	AMD	01-05-024	173-340-7493	NEW	01-05-024
148-171-244	NEW-P	01-12-061	173-321-080	AMD	01-05-024	173-340-7494	NEW	01-05-024
148-171-400	REP-P	01-12-061	173-322	AMD	01-05-024	173-340-750	AMD	01-05-024
148-171-410	AMD-P	01-12-061	173-322-020	AMD	01-05-024	173-340-760	AMD	01-05-024
148-171-420	REP-P	01-12-061	173-322-030	AMD	01-05-024	173-340-800	AMD	01-05-024
148-171-430	REP-P	01-12-061	173-322-040	AMD	01-05-024	173-340-810	AMD	01-05-024
148-171-500	AMD-P	01-12-061	173-322-050	AMD	01-05-024	173-340-820	AMD	01-05-024
148-171-510	AMD-P	01-12-061	173-322-060	AMD	01-05-024	173-340-830	AMD	01-05-024
148-171-512	NEW-P	01-12-061	173-322-070	AMD	01-05-024	173-340-840	AMD	01-05-024
148-171-514	NEW-P	01-12-061	173-322-090	AMD	01-05-024	173-340-850	AMD	01-05-024
148-171-550	NEW-P	01-12-061	173-322-100	AMD	01-05-024	173-340-880	AMD	01-05-024
148-171-600	REP-P	01-12-061	173-322-110	AMD	01-05-024	173-340-900	NEW	01-05-024
148-171-601	NEW-P	01-12-061	173-322-120	AMD	01-05-024	173-400-030	AMD-P	01-04-072
148-171-605	NEW-P	01-12-061	173-340-100	AMD	01-05-024	173-400-035	NEW-P	01-04-072
148-171-610	REP-P	01-12-061	173-340-120	AMD	01-05-024	173-400-040	AMD-P	01-04-072
148-171-620	REP-P	01-12-061	173-340-130	AMD	01-05-024	173-400-050	AMD-P	01-04-072
148-171-630	REP-P	01-12-061	173-340-140	AMD	01-05-024	173-400-060	AMD-P	01-04-072
148-171-640	REP-P	01-12-061	173-340-150	AMD	01-05-024	173-400-070	AMD-P	01-04-072
148-171-650	AMD-P	01-12-061	173-340-200	AMD	01-05-024	173-400-075	AMD-P	01-04-072
148-171-700	REP-P	01-12-061	173-340-210	AMD	01-05-024	173-400-100	AMD-P	01-04-072
173-09-010	REP	01-05-035	173-340-300	AMD	01-05-024	173-400-102	AMD-P	01-04-072
173-09-020	REP	01-05-035	173-340-310	AMD	01-05-024	173-400-105	AMD-P	01-04-072
173-09-030	REP	01-05-035	173-340-320	AMD	01-05-024	173-400-110	AMD-P	01-04-072
173-09-040	REP	01-05-035	173-340-330	AMD	01-05-024	173-400-112	AMD-P	01-04-072
173-18	PREP-W	01-08-061	173-340-340	AMD	01-05-024	173-400-113	AMD-P	01-04-072
173-20	PREP-W	01-08-061	173-340-350	AMD	01-05-024	173-400-114	AMD-P	01-04-072
173-22	PREP-W	01-08-061	173-340-355	NEW	01-05-024	173-400-115	AMD-P	01-04-072
173-166-085	NEW-E	01-11-046	173-340-357	NEW	01-05-024	173-400-116	AMD-P	01-04-072
173-167-010	NEW-E	01-10-004	173-340-360	AMD	01-05-024	173-400-117	NEW-P	01-04-072
173-167-010	REP-E	01-12-067	173-340-370	NEW	01-05-024	173-400-118	NEW-P	01-04-072
173-167-015	NEW-E	01-12-068	173-340-380	NEW	01-05-024	173-400-131	AMD-P	01-04-072
173-167-020	NEW-E	01-10-004	173-340-390	NEW	01-05-024	173-400-136	AMD-P	01-04-072
173-167-020	REP-E	01-12-067	173-340-400	AMD	01-05-024	173-400-141	AMD-P	01-04-072
173-167-025	NEW-E	01-12-068	173-340-410	AMD	01-05-024	173-400-151	AMD-P	01-04-072
173-167-030	NEW-E	01-10-004	173-340-420	AMD	01-05-024	173-400-171	AMD-P	01-04-072
173-167-030	REP-E	01-12-067	173-340-430	AMD	01-05-024	173-401-300	AMD-P	01-04-072
173-167-035	NEW-E	01-12-068	173-340-440	AMD	01-05-024	173-401-615	AMD-P	01-04-072
173-167-040	NEW-E	01-10-004	173-340-450	AMD	01-05-024	173-409	PREP-W	01-08-053
173-167-040	REP-E	01-12-067	173-340-510	AMD	01-05-024	173-415	PREP-W	01-08-053
173-167-045	NEW-E	01-12-068	173-340-515	NEW	01-05-024	173-481	PREP-W	01-08-053
173-167-050	NEW-E	01-10-004	173-340-520	AMD	01-05-024	173-503-010	NEW	01-07-027
173-167-050	REP-E	01-12-067	173-340-530	AMD	01-05-024	173-503-020	NEW	01-07-027
173-167-055	NEW-E	01-12-068	173-340-545	NEW	01-05-024	173-503-030	NEW	01-07-027
173-167-060	NEW-E	01-10-004	173-340-550	AMD	01-05-024	173-503-040	NEW	01-07-027
173-167-060	REP-E	01-12-067	173-340-600	AMD	01-05-024	173-503-050	NEW	01-07-027
173-167-060	REP-E	01-12-067	173-340-610	AMD	01-05-024	173-503-060	NEW	01-07-027
173-167-060	REP-E	01-12-067	173-340-700	AMD	01-05-024	173-503-070	NEW	01-07-027

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
173-503-080	NEW	01-07-027	180- 33-042	PREP	01-05-130	180- 79A-257	AMD-P	01-10-093
173-503-090	NEW	01-07-027	180- 33-042	AMD-E	01-08-039	180- 79A-265	PREP	01-05-147
173-503-100	NEW	01-07-027	180- 33-042	AMD-P	01-10-102	180- 79A-265	REP-E	01-08-041
175- 08-010	REP-XR	01-10-111	180- 50-115	AMD-W	01-08-065	180- 79A-265	REP-P	01-10-093
175- 08-990	REP-XR	01-10-111	180- 50-117	NEW-W	01-08-065	180- 79A-311	REP-P	01-10-097
175- 12-005	REP-XR	01-10-111	180- 51-060	PREP	01-05-124	180- 82-130	AMD-P	01-05-091
175- 12-010	REP-XR	01-10-111	180- 51-060	AMD-P	01-10-099	180- 82-130	AMD-C	01-10-100
175- 12-015	REP-XR	01-10-111	180- 51-061	PREP	01-05-125	180- 82-135	NEW	01-04-020
175- 12-020	REP-XR	01-10-111	180- 51-061	AMD-P	01-10-098	180- 82-135	NEW-W	01-08-066
175- 12-025	REP-XR	01-10-111	180- 51-063	PREP	01-05-092	180- 82-202	PREP	01-05-127
175- 12-030	REP-XR	01-10-111	180- 51-063	AMD-E	01-08-042	180- 82-202	AMD-E	01-08-041
175- 12-035	REP-XR	01-10-111	180- 51-063	AMD-P	01-10-094	180- 82-202	AMD-P	01-10-093
175- 12-040	REP-XR	01-10-111	180- 51-075	AMD-W	01-04-025	180- 82-204	PREP	01-05-128
175- 12-045	REP-XR	01-10-111	180- 52	PREP	01-05-123	180- 82-204	AMD-E	01-08-041
175- 12-050	REP-XR	01-10-111	180- 52-041	PREP	01-05-122	180- 82-204	AMD-P	01-10-093
175- 16-010	REP-XR	01-10-111	180- 52-041	REP-E	01-09-015	180- 82-210	PREP	01-05-129
175- 16-020	REP-XR	01-10-111	180- 52-041	REP-P	01-10-092	180- 82-210	AMD-E	01-08-041
175- 16-030	REP-XR	01-10-111	180- 57-005	AMD-W	01-04-024	180- 82-210	AMD-P	01-10-093
175- 16-040	REP-XR	01-10-111	180- 57-010	REP-W	01-04-024	180- 85	PREP	01-11-138
175- 16-050	REP-XR	01-10-111	180- 57-020	AMD-W	01-04-024	180- 85-035	AMD-P	01-10-095
175- 16-060	REP-XR	01-10-111	180- 57-030	REP-W	01-04-024	180- 85-075	AMD-P	01-04-019
175- 16-990	REP-XR	01-10-111	180- 57-040	REP-W	01-04-024	180- 85-075	AMD	01-09-004
175- 20-010	REP-XR	01-10-111	180- 57-050	AMD-W	01-04-024	180- 86	PREP	01-11-138
175- 20-020	REP-XR	01-10-111	180- 57-055	AMD-W	01-04-024	180- 97-060	AMD-E	01-11-056
175- 20-030	REP-XR	01-10-111	180- 57-070	AMD-P	01-05-090	180- 97-060	PREP	01-11-143
175- 20-040	REP-XR	01-10-111	180- 57-070	AMD	01-09-013	182- 12-117	PREP	01-09-083
175- 20-050	REP-XR	01-10-111	180- 57-070	PREP	01-11-141	182- 12-117	AMD-P	01-12-092
175- 20-060	REP-XR	01-10-111	180- 57-080	REP-W	01-04-024	182- 12-200	PREP	01-09-084
175- 20-070	REP-XR	01-10-111	180- 78A	PREP	01-11-139	182- 12-200	AMD-P	01-12-091
175- 20-080	REP-XR	01-10-111	180- 78A-010	AMD-E	01-09-010	182- 20-001	AMD	01-04-080
175- 20-090	REP-XR	01-10-111	180- 78A-010	PREP	01-10-039	182- 20-010	AMD	01-04-080
175- 20-100	REP-XR	01-10-111	180- 78A-010	AMD-P	01-10-101	182- 20-100	AMD	01-04-080
175- 20-110	REP-XR	01-10-111	180- 78A-015	REP	01-04-021	182- 20-160	AMD	01-04-080
175- 20-120	REP-XR	01-10-111	180- 78A-125	REP-P	01-10-096	182- 20-200	AMD	01-04-080
175- 20-130	REP-XR	01-10-111	180- 78A-209	AMD	01-03-151	182- 20-400	AMD	01-04-080
175- 20-140	REP-XR	01-10-111	180- 78A-250	AMD-P	01-10-096	182- 25-010	AMD-P	01-05-107
175- 20-145	REP-XR	01-10-111	180- 78A-255	AMD-P	01-10-096	182- 25-010	AMD	01-09-001
175- 20-150	REP-XR	01-10-111	180- 78A-264	AMD	01-03-153	183- 04-010	NEW-P	01-04-033
175- 20-155	REP-XR	01-10-111	180- 78A-535	AMD-P	01-04-019	183- 04-010	NEW	01-12-002
175- 20-160	REP-XR	01-10-111	180- 78A-535	AMD	01-09-004	183- 04-020	NEW-P	01-04-033
175- 20-170	REP-XR	01-10-111	180- 78A-545	REP	01-04-021	183- 04-020	NEW	01-12-002
175- 20-990	REP-XR	01-10-111	180- 78A-550	REP	01-04-021	183- 04-030	NEW-P	01-04-033
175- 20-99001	REP-XR	01-10-111	180- 78A-555	REP	01-04-021	183- 04-030	NEW	01-12-002
175- 20-99002	REP-XR	01-10-111	180- 78A-560	REP	01-04-021	183- 04-040	NEW-P	01-04-033
175- 20-99003	REP-XR	01-10-111	180- 78A-565	REP	01-04-021	183- 04-040	NEW	01-12-002
175- 20-99004	REP-XR	01-10-111	180- 79A	PREP	01-04-018	183- 04-050	NEW-P	01-04-033
180- 16	PREP	01-11-138	180- 79A	PREP	01-11-140	183- 04-050	NEW	01-12-002
180- 25-012	NEW	01-08-040	180- 79A-030	AMD	01-03-153	183- 04-060	NEW-P	01-04-033
180- 26	PREP	01-11-142	180- 79A-124	AMD	01-03-153	183- 04-060	NEW	01-12-002
180- 26-012	NEW	01-08-040	180- 79A-130	AMD-P	01-05-093	183- 04-070	NEW-P	01-04-033
180- 27	PREP	01-11-142	180- 79A-130	AMD	01-09-005	183- 04-070	NEW	01-12-002
180- 27-012	NEW	01-08-040	180- 79A-145	AMD-P	01-04-019	183- 04-080	NEW-P	01-04-033
180- 27-070	AMD-P	01-05-089	180- 79A-145	AMD	01-09-004	183- 04-080	NEW	01-12-002
180- 27-070	AMD	01-09-011	180- 79A-155	AMD-P	01-04-022	183- 04-090	NEW-P	01-04-033
180- 29-012	NEW	01-08-040	180- 79A-155	AMD	01-09-006	183- 04-090	NEW	01-12-002
180- 31-012	NEW	01-08-040	180- 79A-206	AMD	01-03-153	183- 04-100	NEW-P	01-04-033
180- 32	PREP	01-11-142	180- 79A-211	AMD	01-03-152	183- 04-100	NEW	01-12-002
180- 32-012	NEW	01-08-040	180- 79A-250	AMD-P	01-04-019	183- 04-110	NEW-P	01-04-033
180- 33	PREP	01-11-142	180- 79A-250	AMD	01-09-004	183- 04-110	NEW	01-12-002
180- 33-012	NEW	01-08-040	180- 79A-250	AMD-P	01-10-095	183- 06-010	NEW-P	01-04-033
180- 33-023	AMD-P	01-05-088	180- 79A-257	PREP	01-05-126	183- 06-010	NEW	01-12-002
180- 33-023	AMD	01-09-012	180- 79A-257	AMD-E	01-08-041	183- 06-020	NEW-P	01-04-033

Table

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
183- 06-020	NEW	01-12-002	192-270-055	NEW-E	01-05-071	208-418-100	NEW-P	01-07-082
183- 06-030	NEW-P	01-04-033	192-270-055	NEW-P	01-05-118	208-418-100	NEW	01-12-004
183- 06-030	NEW	01-12-002	192-270-055	NEW	01-11-085	208-460-010	NEW-P	01-05-072
192- 16-011	REP-E	01-05-071	192-270-060	NEW-E	01-05-071	208-460-010	NEW	01-10-084
192- 16-011	REP-P	01-05-118	192-270-060	NEW-P	01-05-118	208-460-020	NEW-P	01-05-072
192- 16-011	REP	01-11-085	192-270-060	NEW	01-11-085	208-460-020	NEW	01-10-084
192- 16-017	REP-E	01-05-071	192-270-065	NEW-E	01-05-071	208-460-030	NEW-P	01-05-072
192- 16-017	REP-P	01-05-118	192-270-065	NEW-P	01-05-118	208-460-030	NEW	01-10-084
192- 16-017	REP	01-11-085	192-270-065	NEW	01-11-085	208-460-040	NEW-P	01-05-072
192- 16-021	REP-P	01-05-117	192-270-070	NEW-E	01-05-071	208-460-040	NEW	01-10-084
192- 16-061	REP	01-03-009	192-270-070	NEW-P	01-05-118	208-460-050	NEW-P	01-05-072
192- 16-070	REP-P	01-04-082	192-270-070	NEW	01-11-085	208-460-050	NEW	01-10-084
192- 16-070	REP	01-12-009	192-320-075	NEW-P	01-05-117	208-460-060	NEW-P	01-05-072
192-150-050	NEW-E	01-05-071	196- 12-030	AMD-P	01-04-094	208-460-060	NEW	01-10-084
192-150-050	NEW-P	01-05-118	196- 12-030	AMD	01-09-016	208-460-070	NEW-P	01-05-072
192-150-050	NEW	01-11-085	196- 12-035	NEW-P	01-04-094	208-460-070	NEW	01-10-084
192-150-060	NEW-P	01-05-117	196- 12-035	NEW	01-09-016	208-460-080	NEW-P	01-05-072
192-150-065	NEW-E	01-05-071	196- 23-070	NEW-P	01-04-050	208-460-080	NEW	01-10-084
192-150-065	NEW-P	01-05-118	196- 23-070	NEW	01-09-017	208-460-090	NEW-P	01-05-072
192-150-065	NEW	01-11-085	196- 33-100	NEW-P	01-05-033	208-460-090	NEW	01-10-084
192-150-085	NEW-E	01-05-071	196- 33-100	NEW	01-11-102	208-460-100	NEW-P	01-05-072
192-150-085	NEW-P	01-05-118	196- 33-200	NEW-P	01-05-033	208-460-100	NEW	01-10-084
192-150-085	NEW	01-11-085	196- 33-200	NEW	01-11-102	208-460-110	NEW-P	01-05-072
192-150-100	NEW-P	01-04-082	196- 33-300	NEW-P	01-05-033	208-460-110	NEW	01-10-084
192-150-100	NEW	01-12-009	196- 33-300	NEW	01-11-102	208-460-120	NEW-P	01-05-072
192-170-050	NEW-P	01-05-117	196- 33-400	NEW-P	01-05-033	208-460-120	NEW	01-10-084
192-180-012	NEW-P	01-05-117	196- 33-400	NEW	01-11-102	208-460-130	NEW-P	01-05-072
192-210-005	PREP	01-10-117	196- 33-500	NEW-P	01-05-033	208-460-130	NEW	01-10-084
192-210-005	AMD-E	01-12-010	196- 33-500	NEW	01-11-102	208-460-140	NEW-P	01-05-072
192-210-015	PREP	01-10-117	204- 36	PREP	01-11-117	208-460-140	NEW	01-10-084
192-210-015	AMD-E	01-12-010	204- 38-030	AMD-P	01-05-097	208-460-150	NEW-P	01-05-072
192-210-020	NEW-E	01-12-010	204- 38-030	AMD	01-11-118	208-460-150	NEW	01-10-084
192-270-005	NEW-E	01-05-071	204- 38-040	AMD-P	01-05-097	208-460-160	NEW-P	01-05-072
192-270-005	NEW-P	01-05-118	204- 38-040	AMD	01-11-118	208-460-160	NEW	01-10-084
192-270-005	NEW	01-11-085	204- 38-050	AMD-P	01-05-097	208-460-170	NEW-P	01-05-072
192-270-010	NEW-E	01-05-071	204- 38-050	AMD	01-11-118	208-460-170	NEW	01-10-084
192-270-010	NEW-P	01-05-118	204- 91A	PREP	01-11-116	208-512	PREP-W	01-03-106
192-270-010	NEW	01-11-085	204- 91A-010	AMD-W	01-10-083	208-512-045	AMD-P	01-03-107
192-270-015	NEW-E	01-05-071	204- 91A-030	AMD-W	01-10-083	208-512-045	AMD	01-06-024
192-270-015	NEW-P	01-05-118	204- 91A-060	AMD-W	01-10-083	208-512-110	AMD-P	01-03-107
192-270-015	NEW	01-11-085	204- 91A-090	AMD-W	01-10-083	208-512-110	AMD	01-06-024
192-270-020	NEW-E	01-05-071	204- 91A-120	AMD-W	01-10-083	208-512-115	AMD-P	01-03-107
192-270-020	NEW-P	01-05-118	204- 91A-130	AMD-W	01-10-083	208-512-115	AMD	01-06-024
192-270-020	NEW	01-11-085	204- 91A-140	AMD-W	01-10-083	208-512-116	AMD-P	01-03-107
192-270-025	NEW-E	01-05-071	204- 91A-170	AMD-W	01-10-083	208-512-116	AMD	01-06-024
192-270-025	NEW-P	01-05-118	204- 91A-180	AMD-W	01-10-083	208-512-117	AMD-P	01-03-107
192-270-025	NEW	01-11-085	204- 96-010	AMD-E	01-03-078	208-512-117	AMD	01-06-024
192-270-030	NEW-E	01-05-071	204- 96-010	AMD	01-05-098	208-512-240	AMD-P	01-03-107
192-270-030	NEW-P	01-05-118	208-418-010	NEW-P	01-07-082	208-512-240	AMD	01-06-024
192-270-030	NEW	01-11-085	208-418-010	NEW	01-12-004	208-512-280	AMD-P	01-03-107
192-270-035	NEW-E	01-05-071	208-418-020	AMD-P	01-07-082	208-512-280	AMD	01-06-024
192-270-035	NEW-P	01-05-118	208-418-020	AMD	01-12-004	208-512-300	AMD-P	01-03-107
192-270-035	NEW	01-11-085	208-418-040	AMD-P	01-07-082	208-512-300	AMD	01-06-024
192-270-040	NEW-E	01-05-071	208-418-040	AMD	01-12-004	208-514-140	AMD-P	01-03-107
192-270-040	NEW-P	01-05-118	208-418-040	AMD	01-07-082	208-514-140	AMD	01-06-024
192-270-040	NEW	01-11-085	208-418-050	AMD-P	01-07-082	208-528-040	AMD-P	01-03-107
192-270-045	NEW-E	01-05-071	208-418-050	AMD	01-12-004	208-528-040	AMD	01-06-024
192-270-045	NEW-P	01-05-118	208-418-060	REP-P	01-07-082	208-532-050	AMD-P	01-03-107
192-270-045	NEW	01-11-085	208-418-060	REP	01-12-004	208-532-050	AMD	01-06-024
192-270-050	NEW-E	01-05-071	208-418-070	AMD-P	01-07-082	208-544-025	AMD-P	01-03-107
192-270-050	NEW-P	01-05-118	208-418-070	AMD	01-12-004	208-544-025	AMD	01-06-024
192-270-050	NEW	01-11-085	208-418-070	AMD	01-12-004	208-544-025	AMD	01-06-024
192-270-050	NEW-E	01-05-071	208-418-090	NEW-P	01-07-082	208-544-037	AMD-P	01-03-107
192-270-050	NEW-P	01-05-118	208-418-090	NEW	01-12-004			
192-270-050	NEW	01-11-085						

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
208-544-037	AMD	01-06-024	208-680C-020	AMD	01-08-055	220-32-05100Y	REP-E	01-10-022
208-544-037	REP-P	01-07-081	208-680C-040	AMD	01-08-055	220-32-05100Y	REP-E	01-11-002
208-544-037	REP	01-12-003	208-680C-045	AMD	01-08-055	220-32-05100Z	NEW-E	01-11-002
208-544-039	AMD-P	01-03-107	208-680C-050	AMD	01-08-055	220-32-05100Z	REP-E	01-11-042
208-544-039	AMD	01-06-024	208-680D-010	AMD	01-08-055	220-32-05700I	NEW-E	01-12-024
208-544-039	AMD-P	01-07-081	208-680D-020	AMD	01-08-055	220-32-05700I	REP-E	01-12-024
208-544-039	AMD	01-12-003	208-680D-030	AMD	01-08-055	220-33-01000Q	NEW-E	01-05-069
208-544-050	REP-P	01-07-081	208-680D-040	AMD	01-08-055	220-33-01000Q	REP-E	01-05-069
208-544-050	REP	01-12-003	208-680D-050	AMD	01-08-055	220-33-01000Q	REP-E	01-06-004
208-544-065	NEW-P	01-07-081	208-680D-060	AMD	01-08-055	220-33-01000R	NEW-E	01-06-004
208-556-080	AMD-P	01-03-107	208-680D-080	AMD	01-08-055	220-33-01000R	REP-E	01-10-021
208-556-080	AMD	01-06-024	208-680D-090	NEW	01-08-055	220-33-01000S	NEW-E	01-10-021
208-586-135	AMD-P	01-03-107	208-680D-100	NEW-W	01-08-067	220-33-01000S	REP-E	01-11-016
208-586-135	AMD	01-06-024	208-680E-011	AMD-W	01-08-067	220-33-01000T	NEW-E	01-11-016
208-586-135	REP-P	01-07-081	208-680F-010	AMD	01-08-055	220-33-03000R	NEW-E	01-11-041
208-586-135	REP	01-12-003	208-680F-020	AMD	01-08-055	220-33-03000R	REP-E	01-11-041
208-586-140	AMD-P	01-03-107	208-680F-040	AMD	01-08-055	220-33-040	AMD-W	01-03-015
208-586-140	AMD	01-06-024	208-680F-060	AMD	01-08-055	220-33-04000K	REP-E	01-07-005
208-586-140	AMD-P	01-07-081	208-680F-070	AMD	01-08-055	220-33-04000L	NEW-E	01-07-005
208-586-140	AMD	01-12-003	208-680G-010	NEW	01-08-055	220-33-04000L	REP-E	01-07-005
208-586-150	NEW-P	01-07-081	208-680G-020	NEW	01-08-055	220-33-04000L	REP-E	01-07-047
208-620-190	AMD-P	01-07-083	208-680G-030	NEW	01-08-055	220-33-04000	NEW-E	01-07-047
208-620-190	AMD	01-12-029	208-680G-040	NEW	01-08-055	220-33-04000	REP-E	01-07-047
208-620-191	NEW-P	01-07-083	208-680G-050	NEW	01-08-055	220-33-060	AMD-S	01-02-082
208-620-191	NEW	01-12-029	210-03-010	NEW-P	01-06-060	220-33-060	AMD	01-07-016
208-620-192	NEW-P	01-07-083	210-03-010	NEW	01-11-062	220-36-021	AMD-P	01-10-116
208-620-192	NEW	01-12-029	210-03-020	NEW-P	01-06-060	220-36-023	AMD-P	01-10-116
208-630-021	AMD-P	01-07-083	210-03-020	NEW	01-11-062	220-40-021	AMD-P	01-10-116
208-630-021	AMD	01-12-029	210-03-030	NEW-P	01-06-060	220-40-027	AMD-P	01-10-116
208-630-022	AMD-P	01-07-083	210-03-030	NEW	01-11-062	220-44-020	AMD-S	01-02-082
208-630-022	AMD	01-12-029	210-03-040	NEW-P	01-06-060	220-44-020	AMD	01-07-016
208-630-023	AMD-P	01-07-083	210-03-040	NEW	01-11-062	220-44-050	AMD-P	01-10-115
208-630-023	AMD	01-12-029	210-03-050	NEW-P	01-06-060	220-44-05000C	NEW-E	01-03-088
208-630-02303	NEW-P	01-07-083	210-03-050	NEW	01-11-062	220-44-05000C	REP-E	01-11-024
208-630-02303	NEW	01-12-029	210-03-060	NEW-P	01-06-060	220-44-05000D	NEW-E	01-09-056
208-630-02305	NEW-P	01-07-083	210-03-060	NEW	01-11-062	220-44-05000E	NEW-E	01-11-024
208-630-02305	NEW	01-12-029	210-03-070	NEW-P	01-06-060	220-47-301	AMD-P	01-02-085
208-660-010	AMD-P	01-07-083	210-03-070	NEW	01-11-062	220-47-301	AMD	01-07-015
208-660-010	AMD	01-12-029	210-03-080	NEW-P	01-06-060	220-47-304	REP-P	01-10-118
208-660-060	AMD-P	01-07-083	210-03-080	NEW	01-11-062	220-47-311	AMD-P	01-10-118
208-660-060	AMD	01-12-029	220-16-260	AMD	01-03-016	220-47-401	AMD-P	01-10-118
208-660-061	NEW-P	01-07-083	220-16-270	AMD	01-03-016	220-47-411	AMD-P	01-10-118
208-660-061	NEW	01-12-029	220-20-016	AMD-P	01-02-085	220-47-428	AMD-P	01-10-118
208-660-062	NEW-P	01-07-083	220-20-016	AMD	01-07-015	220-48-00500H	NEW-E	01-08-073
208-660-062	NEW	01-12-029	220-20-05500A	NEW-E	01-12-038	220-48-015	AMD-P	01-05-070
208-680A-040	AMD	01-08-055	220-24-020	AMD-P	01-10-108	220-48-015	AMD	01-10-001
208-680B-010	AMD	01-08-055	220-24-02000Q	NEW-E	01-10-058	220-48-01500	NEW-E	01-08-011
208-680B-015	NEW	01-08-055	220-24-02000Q	REP-E	01-10-058	220-52-040	AMD	01-11-009
208-680B-020	AMD	01-08-055	220-24-02000Q	REP-E	01-11-066	220-52-04000V	NEW-E	01-04-009
208-680B-030	AMD	01-08-055	220-24-02000R	NEW-E	01-11-023	220-52-04000	NEW-E	01-04-030
208-680B-050	AMD	01-08-055	220-24-02000R	REP-E	01-11-066	220-52-04000	REP-E	01-04-030
208-680B-070	AMD	01-08-055	220-24-040	NEW-P	01-10-108	220-52-04000	REP-E	01-04-076
208-680B-080	AMD-P	01-07-083	220-32-05100A	NEW-E	01-11-042	220-52-04000X	NEW-E	01-04-076
208-680B-080	AMD	01-12-029	220-32-05100A	REP-E	01-12-006	220-52-04000X	REP-E	01-05-044
208-680B-081	NEW-P	01-07-083	220-32-05100B	NEW-E	01-12-006	220-52-04000Y	NEW-E	01-05-044
208-680B-081	NEW	01-12-029	220-32-05100B	REP-E	01-12-006	220-52-04000Y	REP-E	01-05-044
208-680B-082	NEW-P	01-07-083	220-32-05100	NEW-E	01-04-042	220-52-04000Z	NEW-E	01-12-064
208-680B-082	NEW	01-12-029	220-32-05100	REP-E	01-04-042	220-52-046	AMD	01-11-009
208-680B-090	AMD	01-08-055	220-32-05100	REP-E	01-07-023	220-52-04600I	REP-E	01-04-030
208-680B-100	NEW	01-08-055	220-32-05100X	NEW-E	01-09-067	220-52-04600K	NEW-E	01-04-030
208-680B-110	NEW	01-08-055	220-32-05100X	REP-E	01-09-067	220-52-04600K	REP-E	01-04-076
208-680B-120	NEW	01-08-055	220-32-05100Y	NEW-E	01-10-022	220-52-04600	NEW-E	01-04-076

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
220-52-04600	REP-E	01-05-044	220-56-28500A	NEW-E	01-10-023	220-88C-050	NEW-S	01-02-082
220-52-04600N	NEW-E	01-05-044	220-56-28500A	REP-E	01-10-023	220-88C-050	NEW	01-07-016
220-52-04600N	REP-E	01-12-064	220-56-28500Y	NEW-E	01-07-007	220-95-013	AMD-P	01-05-120
220-52-04600P	NEW-E	01-12-064	220-56-28500Y	REP-E	01-07-007	220-95-013	AMD	01-10-031
220-52-051	AMD	01-03-016	220-56-28500Y	REP-E	01-10-002	220-95-018	AMD-P	01-05-120
220-52-05100K	NEW-E	01-09-054	220-56-28500Z	NEW-E	01-09-003	220-95-018	AMD	01-10-031
220-52-05100K	REP-E	01-10-040	220-56-290	REP	01-06-036	220-95-01800B	NEW-E	01-10-032
220-52-05100L	NEW-E	01-10-040	220-56-295	REP	01-06-036	220-95-022	AMD-P	01-05-120
220-52-071	AMD-P	01-02-086	220-56-305	REP	01-06-036	220-95-022	AMD	01-10-031
220-52-071	AMD	01-07-021	220-56-315	AMD	01-07-024	220-95-02200C	NEW-E	01-10-032
220-52-073	AMD-P	01-02-086	220-56-315	AMD-W	01-07-080	220-95-027	AMD-P	01-05-120
220-52-073	AMD	01-07-021	220-56-320	AMD	01-06-036	220-95-027	AMD	01-10-031
220-52-07300B	REP-E	01-03-014	220-56-325	AMD	01-06-036	220-95-032	AMD-P	01-05-120
220-52-07300C	NEW-E	01-03-014	220-56-32500K	NEW-E	01-11-001	220-95-032	AMD	01-10-031
220-52-07300C	REP-E	01-03-043	220-56-32500K	REP-E	01-11-040	220-95-034	NEW-P	01-05-120
220-52-07300D	NEW-E	01-03-043	220-56-32500L	NEW-E	01-11-040	222-08-020	AMD-C	01-07-117
220-52-07300D	REP-E	01-03-062	220-56-32500L	REP-E	01-12-043	222-08-020	AMD	01-12-042
220-52-07300E	NEW-E	01-03-062	220-56-32500	NEW-E	01-12-043	222-08-030	AMD-C	01-07-117
220-52-07300E	REP-E	01-03-093	220-56-32500N	NEW-E	01-12-049	222-08-030	AMD	01-12-042
220-52-07300F	NEW-E	01-03-093	220-56-32500N	REP-E	01-12-049	222-08-035	AMD-C	01-07-117
220-52-07300F	REP-E	01-04-010	220-56-330	AMD	01-06-036	222-08-035	AMD	01-12-042
220-52-07300G	NEW-E	01-04-010	220-56-33000J	REP-E	01-08-072	222-10-010	AMD-C	01-07-117
220-52-07300G	REP-E	01-04-049	220-56-33000K	NEW-E	01-08-072	222-10-010	AMD	01-12-042
220-52-07300H	NEW-E	01-04-049	220-56-33000K	REP-E	01-10-006	222-10-020	NEW-W	01-09-071
220-52-07300H	REP-E	01-05-011	220-56-33000L	NEW-E	01-10-006	222-10-030	NEW-C	01-07-117
220-52-07300I	NEW-E	01-05-011	220-56-33000L	REP-E	01-11-094	222-10-030	NEW	01-12-042
220-52-07500C	NEW-E	01-10-040	220-56-33000	NEW-E	01-11-094	222-10-035	NEW-C	01-07-117
220-55-115	AMD-P	01-05-112	220-56-33000	REP-E	01-12-027	222-10-035	AMD	01-12-042
220-55-115	AMD	01-10-030	220-56-33000N	NEW-E	01-12-027	222-10-041	AMD-C	01-07-117
220-56-105	AMD-P	01-10-109	220-56-33000N	REP-E	01-12-065	222-10-041	AMD	01-12-042
220-56-10500C	NEW-E	01-07-022	220-56-33000P	NEW-E	01-12-065	222-10-044	NEW	01-12-042
220-56-115	AMD	01-06-036	220-56-350	AMD	01-06-036	222-10-125	NEW-C	01-07-117
220-56-123	AMD	01-06-036	220-56-35000H	REP-E	01-06-035	222-10-125	NEW	01-12-042
220-56-124	AMD-P	01-10-109	220-56-35000I	NEW-E	01-06-035	222-12-010	AMD-C	01-07-117
220-56-12400G	NEW-E	01-10-038	220-56-36000G	NEW-E	01-04-046	222-12-010	AMD	01-12-042
220-56-126	AMD	01-06-036	220-56-36000G	REP-E	01-04-046	222-12-020	AMD-C	01-07-117
220-56-145	AMD	01-06-036	220-56-36000H	NEW-E	01-10-041	222-12-020	AMD	01-12-042
220-56-14500A	NEW-E	01-11-087	220-56-36000H	REP-E	01-10-041	222-12-030	AMD-C	01-07-117
220-56-150	AMD-W	01-11-074	220-56-36000I	NEW-E	01-11-036	222-12-030	AMD	01-12-042
220-56-175	AMD	01-06-036	220-56-36000I	REP-E	01-11-036	222-12-040	AMD-C	01-07-117
220-56-195	AMD-P	01-10-109	220-56-36000J	NEW-E	01-11-131	222-12-040	AMD	01-12-042
220-56-19500H	NEW-E	01-10-038	220-56-36000J	REP-E	01-11-131	222-12-0401	NEW-C	01-07-117
220-56-210	AMD	01-06-051	220-56-380	AMD	01-06-036	222-12-0401	NEW	01-12-042
220-56-235	AMD	01-06-036	220-56-38000A	NEW-E	01-06-035	222-12-0402	NEW-C	01-07-117
220-56-23500K	NEW-E	01-07-009	220-56-38000A	REP-E	01-06-035	222-12-0402	NEW	01-12-042
220-56-240	AMD	01-06-036	220-56-38000A	REP-E	01-07-006	222-12-0403	NEW-C	01-07-117
220-56-24000E	NEW-E	01-03-044	220-56-38000B	NEW-E	01-07-006	222-12-0403	NEW	01-12-042
220-56-25000C	NEW-E	01-07-009	220-56-38000Z	REP-E	01-07-006	222-12-0404	NEW-C	01-07-117
220-56-25500U	NEW-E	01-12-005	220-69-240	AMD-P	01-02-085	222-12-0404	NEW	01-12-042
220-56-25500U	REP-E	01-12-044	220-69-240	AMD-P	01-02-086	222-12-0405	NEW-C	01-07-117
220-56-25500V	NEW-E	01-12-044	220-69-240	AMD	01-07-015	222-12-0405	NEW	01-12-042
220-56-27000H	REP-E	01-06-005	220-69-24000U	NEW-E	01-09-054	222-12-041	NEW-C	01-07-117
220-56-27000I	NEW-E	01-06-005	220-69-24000U	REP-E	01-10-040	222-12-041	NEW	01-12-042
220-56-27000I	REP-E	01-06-005	220-69-24000V	NEW-E	01-10-040	222-12-044	NEW-C	01-07-117
220-56-27000I	REP-E	01-06-050	220-88C-010	NEW-S	01-02-082	222-12-044	NEW	01-12-042
220-56-27000J	NEW-E	01-06-050	220-88C-010	NEW	01-07-016	222-12-045	AMD-C	01-07-117
220-56-27000J	REP-E	01-06-050	220-88C-020	NEW-S	01-02-082	222-12-045	AMD	01-12-042
220-56-27000J	REP-E	01-07-046	220-88C-020	NEW	01-07-016	222-12-046	AMD-C	01-07-117
220-56-27000K	NEW-E	01-07-046	220-88C-030	NEW-S	01-02-082	222-12-046	AMD	01-12-042
220-56-27000K	REP-E	01-07-046	220-88C-030	NEW	01-07-016	222-12-050	AMD-C	01-07-117
220-56-282	AMD	01-06-036	220-88C-040	NEW-S	01-02-082	222-12-050	AMD	01-12-042
220-56-285	AMD	01-06-036	220-88C-040	NEW	01-07-016	222-12-070	AMD-C	01-07-117

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
222- 12-070	AMD	01-12-042	222- 21-070	NEW-C	01-07-117	222- 30-021	NEW	01-12-042
222- 12-090	AMD-C	01-07-117	222- 21-070	NEW	01-12-042	222- 30-022	NEW-C	01-07-117
222- 12-090	AMD	01-12-042	222- 21-080	NEW-C	01-07-117	222- 30-022	NEW	01-12-042
222- 16-010	AMD-C	01-07-117	222- 21-080	NEW	01-12-042	222- 30-023	NEW-C	01-07-117
222- 16-010	AMD	01-12-042	222- 21-090	NEW-C	01-07-117	222- 30-023	NEW	01-12-042
222- 16-030	AMD-C	01-07-117	222- 21-090	NEW	01-12-042	222- 30-025	AMD-C	01-07-117
222- 16-030	AMD	01-12-042	222- 22-010	AMD-W	01-09-071	222- 30-025	AMD	01-12-042
222- 16-031	NEW-C	01-07-117	222- 22-030	AMD-W	01-09-071	222- 30-030	REP-C	01-07-117
222- 16-031	NEW	01-12-042	222- 22-035	NEW-W	01-09-071	222- 30-030	AMD	01-12-042
222- 16-035	AMD-C	01-07-117	222- 22-040	AMD-W	01-09-071	222- 30-040	AMD-C	01-07-117
222- 16-035	AMD	01-12-042	222- 22-050	AMD-W	01-09-071	222- 30-040	AMD	01-12-042
222- 16-036	NEW-C	01-07-117	222- 22-060	AMD-W	01-09-071	222- 30-045	NEW-C	01-07-117
222- 16-036	NEW	01-12-042	222- 22-065	NEW-W	01-09-071	222- 30-045	NEW	01-12-042
222- 16-050	AMD-C	01-07-117	222- 22-070	AMD-C	01-07-117	222- 30-050	AMD-C	01-07-117
222- 16-050	AMD	01-12-042	222- 22-070	AMD	01-12-042	222- 30-050	AMD	01-12-042
222- 16-051	NEW	01-12-042	222- 22-075	NEW-C	01-07-117	222- 30-060	AMD-C	01-07-117
222- 16-070	AMD-C	01-07-117	222- 22-075	NEW	01-12-042	222- 30-060	AMD	01-12-042
222- 16-070	AMD	01-12-042	222- 22-076	NEW-C	01-07-117	222- 30-070	AMD-C	01-07-117
222- 16-080	AMD-C	01-07-117	222- 22-076	NEW	01-12-042	222- 30-070	AMD	01-12-042
222- 16-080	AMD	01-12-042	222- 22-080	AMD-C	01-07-117	222- 30-100	AMD-C	01-07-117
222- 16-100	AMD-C	01-07-117	222- 22-080	AMD	01-12-042	222- 30-100	AMD	01-12-042
222- 16-100	AMD	01-12-042	222- 22-090	AMD-C	01-07-117	222- 30-110	AMD-C	01-07-117
222- 16-105	AMD-C	01-07-117	222- 22-090	AMD	01-12-042	222- 30-110	AMD	01-12-042
222- 16-105	AMD	01-12-042	222- 22-100	AMD-C	01-07-117	222- 34-040	AMD-C	01-07-117
222- 20-010	AMD-C	01-07-117	222- 22-100	AMD	01-12-042	222- 34-040	AMD	01-12-042
222- 20-010	AMD	01-12-042	222- 23-010	NEW-C	01-07-117	222- 38-010	AMD-C	01-07-117
222- 20-015	NEW-C	01-07-117	222- 23-010	NEW	01-12-042	222- 38-010	AMD	01-12-042
222- 20-015	NEW	01-12-042	222- 23-020	NEW-C	01-07-117	222- 38-020	AMD-C	01-07-117
222- 20-020	AMD-C	01-07-117	222- 23-020	NEW	01-12-042	222- 38-020	AMD	01-12-042
222- 20-020	AMD	01-12-042	222- 23-025	NEW-C	01-07-117	222- 38-030	AMD-C	01-07-117
222- 20-040	AMD-C	01-07-117	222- 23-025	NEW	01-12-042	222- 38-030	AMD	01-12-042
222- 20-040	AMD	01-12-042	222- 23-030	NEW-C	01-07-117	222- 38-040	AMD-C	01-07-117
222- 20-050	AMD-C	01-07-117	222- 23-030	NEW	01-12-042	222- 38-040	AMD	01-12-042
222- 20-050	AMD	01-12-042	222- 24-010	AMD-C	01-07-117	222- 46-012	NEW-C	01-07-117
222- 20-055	NEW-C	01-07-117	222- 24-010	AMD	01-12-042	222- 46-012	NEW	01-12-042
222- 20-055	NEW	01-12-042	222- 24-015	NEW-C	01-07-117	222- 46-030	AMD-C	01-07-117
222- 20-070	AMD-C	01-07-117	222- 24-015	NEW	01-12-042	222- 46-040	AMD-C	01-07-117
222- 20-070	AMD	01-12-042	222- 24-020	AMD-C	01-07-117	222- 46-060	AMD-C	01-07-117
222- 20-080	AMD-C	01-07-117	222- 24-020	AMD	01-12-042	222- 46-060	AMD	01-12-042
222- 20-080	AMD	01-12-042	222- 24-025	REP-C	01-07-117	222- 46-065	AMD-W	01-09-071
222- 20-100	AMD-C	01-07-117	222- 24-025	REP	01-12-042	222- 46-070	AMD-C	01-07-117
222- 20-100	AMD	01-12-042	222- 24-026	NEW-C	01-07-117	222- 46-070	AMD	01-12-042
222- 21-005	NEW-C	01-07-117	222- 24-026	NEW	01-12-042	222- 46-090	NEW-C	01-07-117
222- 21-005	NEW	01-12-042	222- 24-030	AMD-C	01-07-117	222- 46-090	NEW	01-12-042
222- 21-010	NEW-C	01-07-117	222- 24-030	AMD	01-12-042	222- 50-010	AMD-C	01-07-117
222- 21-010	NEW	01-12-042	222- 24-035	AMD-C	01-07-117	222- 50-010	AMD	01-12-042
222- 21-020	NEW-C	01-07-117	222- 24-035	AMD	01-12-042	222- 50-020	AMD-C	01-07-117
222- 21-020	NEW	01-12-042	222- 24-040	AMD-C	01-07-117	222- 50-020	AMD	01-12-042
222- 21-030	NEW-C	01-07-117	222- 24-040	AMD	01-12-042	222- 50-030	AMD-C	01-07-117
222- 21-030	NEW	01-12-042	222- 24-040	AMD	01-12-042	222- 50-030	AMD	01-12-042
222- 21-035	NEW-C	01-07-117	222- 24-050	AMD-C	01-07-117	222- 50-040	AMD-C	01-07-117
222- 21-035	NEW	01-12-042	222- 24-050	AMD	01-12-042	222- 50-040	AMD	01-12-042
222- 21-040	NEW-C	01-07-117	222- 24-051	NEW-C	01-07-117	222- 50-050	AMD-C	01-07-117
222- 21-040	NEW	01-12-042	222- 24-051	NEW	01-12-042	222- 50-050	AMD	01-12-042
222- 21-045	NEW-C	01-07-117	222- 24-052	NEW-C	01-07-117	222- 50-060	AMD-C	01-07-117
222- 21-045	NEW	01-12-042	222- 24-052	NEW	01-12-042	222- 50-060	AMD	01-12-042
222- 21-050	NEW-C	01-07-117	222- 24-060	AMD-C	01-07-117	230- 02-138	REP-XR	01-05-119
222- 21-050	NEW	01-12-042	222- 24-060	AMD	01-12-042	230- 02-138	REP	01-09-022
222- 21-060	NEW-C	01-07-117	222- 30-010	AMD-C	01-07-117	230- 02-362	REP	01-05-020
222- 21-060	NEW	01-12-042	222- 30-010	AMD	01-12-042	230- 02-364	REP	01-05-020
222- 21-065	NEW-C	01-07-117	222- 30-020	AMD-C	01-07-117	230- 02-366	REP	01-05-020
222- 21-065	NEW	01-12-042	222- 30-020	AMD	01-12-042	230- 02-530	REP	01-05-020
			222- 30-021	NEW-C	01-07-117			

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
230-02-535	REP	01-05-020	232-12-007	AMD-P	01-05-144	232-28-293	NEW-P	01-05-140
230-02-540	REP	01-05-020	232-12-007	AMD	01-10-048	232-28-293	NEW	01-10-048
230-04-140	AMD	01-05-021	232-12-027	AMD-P	01-05-144	232-28-299	NEW-P	01-05-134
230-04-142	AMD	01-05-021	232-12-027	AMD	01-10-048	232-28-299	NEW	01-10-048
230-04-190	AMD-P	01-07-091	232-12-068	AMD-P	01-05-138	232-28-42400C	NEW-E	01-03-013
230-04-190	AMD	01-11-063	232-12-068	AMD	01-10-048	232-28-42400C	REP-E	01-03-013
230-04-202	AMD	01-05-019	232-12-071	AMD-P	01-05-135	232-28-515	AMD-P	01-05-135
230-04-202	AMD-W	01-09-072	232-12-071	AMD	01-10-048	232-28-515	AMD	01-10-048
230-04-203	AMD	01-05-019	232-12-077	AMD-W	01-11-074	232-28-619	AMD	01-06-036
230-04-204	AMD	01-05-019	232-12-131	REP-P	01-05-146	232-28-619	AMD-P	01-10-109
230-04-260	AMD	01-05-020	232-12-131	REP	01-10-048	232-28-61900A	NEW-E	01-10-023
230-08-027	AMD-P	01-10-122	232-12-141	AMD-P	01-05-135	232-28-61900A	REP-E	01-10-023
230-08-027	DECOD-P	01-10-122	232-12-141	AMD	01-10-048	232-28-61900B	NEW-E	01-10-046
230-08-090	AMD-P	01-10-122	232-12-142	NEW-P	01-05-111	232-28-61900B	REP-E	01-10-046
230-08-090	DECOD-P	01-10-122	232-12-24800A	NEW-E	01-07-020	232-28-61900C	NEW-E	01-10-057
230-12-072	AMD-P	01-10-122	232-12-271	AMD-P	01-05-144	232-28-61900C	REP-E	01-10-057
230-12-072	DECOD-P	01-10-122	232-12-271	AMD	01-10-048	232-28-61900D	NEW-E	01-11-017
230-12-073	AMD-P	01-10-122	232-12-619	AMD-W	01-11-074	232-28-61900D	REP-E	01-11-017
230-12-073	DECOD-P	01-10-122	232-28-02203	AMD	01-04-037	232-28-61900E	NEW-E	01-11-066
230-20-058	REP	01-05-020	232-28-02203	AMD-P	01-05-136	232-28-61900E	REP-E	01-11-066
230-20-059	AMD	01-05-020	232-28-02203	AMD	01-10-048	232-28-61900F	NEW-E	01-11-065
230-20-060	REP	01-05-020	232-28-02204	AMD	01-04-037	232-28-61900F	REP-E	01-11-065
230-20-062	REP	01-05-020	232-28-02205	AMD-P	01-05-136	232-28-61900G	NEW-E	01-11-057
230-20-125	AMD-P	01-10-120	232-28-02205	AMD	01-10-048	232-28-61900H	NEW-E	01-11-088
230-30-033	NEW	01-05-018	232-28-02206	AMD	01-04-037	232-28-61900H	REP-E	01-12-025
230-30-034	NEW	01-05-018	232-28-02220	AMD-P	01-05-143	232-28-61900I	NEW-E	01-12-025
230-30-052	AMD	01-05-020	232-28-02220	AMD	01-10-048	232-28-61900J	NEW-E	01-12-066
230-30-106	AMD-P	01-10-120	232-28-02240	AMD-P	01-05-143	232-28-61900J	REP-E	01-12-066
230-40-010	AMD-P	01-07-092	232-28-02240	AMD	01-10-048	232-28-61900N	NEW-E	01-03-061
230-40-050	AMD-P	01-10-122	232-28-248	AMD-P	01-05-142	232-28-61900N	REP-E	01-03-061
230-40-052	RECOD-P	01-10-122	232-28-248	AMD	01-10-048	232-28-61900N	REP-E	01-05-043
230-40-055	AMD-P	01-10-122	232-28-258	REP-P	01-05-140	232-28-61900P	NEW-E	01-04-011
230-40-070	AMD-P	01-07-092	232-28-258	REP	01-10-048	232-28-61900P	REP-E	01-04-011
230-40-120	AMD-P	01-10-122	232-28-260	AMD	01-04-037	232-28-61900P	REP-E	01-05-010
230-40-455	NEW-P	01-10-122	232-28-260	REP-P	01-05-140	232-28-61900Q	NEW-E	01-05-010
230-40-500	AMD-P	01-10-122	232-28-260	REP	01-10-048	232-28-61900Q	REP-E	01-05-010
230-40-505	NEW-P	01-10-122	232-28-271	AMD	01-04-037	232-28-61900R	NEW-E	01-05-080
230-40-608	RECOD-P	01-10-122	232-28-272	AMD-P	01-05-134	232-28-61900R	REP-E	01-05-080
230-40-610	AMD-P	01-10-122	232-28-272	AMD	01-10-048	232-28-61900S	NEW-E	01-06-007
230-40-625	NEW-P	01-10-122	232-28-273	AMD-P	01-05-137	232-28-61900S	REP-E	01-06-007
230-40-630	NEW-P	01-10-122	232-28-273	AMD	01-10-048	232-28-61900T	NEW-E	01-07-007
230-40-803	AMD-P	01-10-122	232-28-274	REP-W	01-03-077	232-28-61900T	REP-E	01-07-007
230-40-805	AMD-P	01-10-122	232-28-274	REP-P	01-05-146	232-28-61900T	REP-E	01-10-002
230-40-808	RECOD-P	01-10-122	232-28-274	REP	01-10-048	232-28-61900U	NEW-E	01-07-022
230-40-815	AMD-P	01-10-122	232-28-275	AMD	01-04-037	232-28-61900U	REP-E	01-09-055
230-40-820	REP-P	01-10-122	232-28-276	AMD-P	01-05-141	232-28-61900V	NEW-E	01-07-089
230-40-821	RECOD-P	01-10-122	232-28-276	AMD	01-10-048	232-28-61900V	REP-E	01-07-089
230-40-825	AMD-P	01-10-122	232-28-277	AMD	01-04-037	232-28-61900	NEW-E	01-09-029
230-40-830	AMD-P	01-10-122	232-28-278	AMD-P	01-05-139	232-28-61900X	NEW-E	01-09-030
230-40-833	AMD-P	01-10-122	232-28-278	AMD	01-10-048	232-28-61900X	REP-E	01-09-030
230-40-840	AMD-P	01-10-122	232-28-279	AMD-P	01-05-145	232-28-61900X	REP-E	01-11-066
230-40-865	AMD-P	01-10-122	232-28-279	AMD	01-10-048	232-28-61900Y	NEW-E	01-09-053
230-40-870	AMD-P	01-10-122	232-28-280	REP-P	01-05-146	232-28-61900Y	REP-E	01-09-053
230-40-875	AMD-P	01-10-122	232-28-280	REP	01-10-048	232-28-61900Y	REP-E	01-12-026
230-40-885	AMD-P	01-10-122	232-28-281	REP-P	01-05-146	232-28-61900Z	NEW-E	01-09-055
230-40-895	AMD-P	01-10-122	232-28-281	REP	01-10-048	232-28-61900Z	REP-E	01-09-055
230-40-897	REP-P	01-10-122	232-28-281	REP	01-10-048	232-28-620	AMD-P	01-10-109
230-50-010	AMD	01-05-020	232-28-290	NEW-P	01-05-140	232-28-621	AMD-P	01-10-109
232-12-001	AMD-P	01-05-135	232-28-290	NEW	01-10-048	232-28-62100B	NEW-E	01-10-038
232-12-001	AMD	01-10-048	232-28-291	NEW-P	01-05-140	246-08-400	AMD-P	01-12-097
232-12-004	AMD-P	01-05-144	232-28-291	NEW	01-10-048	246-100	PREP	01-08-088
232-12-004	AMD	01-10-048	232-28-292	NEW-P	01-05-140	246-102-001	NEW	01-04-086
232-12-004	AMD	01-10-048	232-28-292	NEW	01-10-048	246-102-010	NEW	01-04-086

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-102-020	NEW	01-04-086	246-282-082	NEW	01-04-054	246-853-223	NEW-P	01-10-128
246-102-030	NEW	01-04-086	246-282-090	REP	01-04-054	246-853-224	NEW-P	01-10-128
246-102-040	NEW	01-04-086	246-282-092	NEW	01-04-054	246-853-225	NEW-P	01-10-128
246-102-050	NEW	01-04-086	246-282-100	AMD	01-04-054	246-853-226	NEW-P	01-10-128
246-102-060	NEW	01-04-086	246-282-102	NEW	01-04-054	246-853-227	NEW-P	01-10-128
246-102-070	NEW	01-04-086	246-282-104	NEW	01-04-054	246-869-220	AMD	01-04-055
246-205-990	AMD-P	01-11-158	246-282-110	AMD	01-04-054	246-879-090	PREP	01-09-087
246-220-010	AMD-P	01-02-087	246-282-120	AMD	01-04-054	246-887-100	AMD	01-03-108
246-220-010	AMD	01-05-110	246-282-130	AMD	01-04-054	246-907	PREP	01-05-109
246-221-005	AMD-P	01-02-087	246-282-990	AMD	01-04-054	246-907-030	AMD-P	01-09-088
246-221-005	AMD	01-05-110	246-282-990	AMD-P	01-11-158	246-907-030	AMD	01-12-052
246-221-010	AMD-P	01-02-087	246-305-001	NEW	01-08-023	246-918-005	AMD-P	01-12-095
246-221-010	AMD	01-05-110	246-305-010	NEW	01-08-023	246-918-007	AMD-P	01-12-095
246-221-015	AMD-P	01-02-087	246-305-020	NEW	01-08-023	246-918-050	AMD-P	01-12-095
246-221-015	AMD	01-05-110	246-305-030	NEW	01-08-023	246-918-080	AMD-P	01-12-095
246-221-030	AMD-P	01-02-087	246-305-040	NEW	01-08-023	246-919-330	AMD-P	01-12-098
246-221-030	AMD	01-05-110	246-305-050	NEW	01-08-023	246-919-340	AMD-P	01-12-096
246-221-055	AMD-P	01-02-087	246-305-060	NEW	01-08-023	246-919-475	NEW	01-03-115
246-221-055	AMD	01-05-110	246-305-070	NEW	01-08-023	246-919-840	NEW-P	01-10-129
246-221-090	AMD-P	01-02-087	246-305-080	NEW	01-08-023	246-919-841	NEW-P	01-10-129
246-221-090	AMD	01-05-110	246-305-090	NEW	01-08-023	246-919-842	NEW-P	01-10-129
246-221-100	AMD-P	01-02-087	246-305-100	NEW	01-08-023	246-919-843	NEW-P	01-10-129
246-221-100	AMD	01-05-110	246-305-110	NEW	01-08-023	246-919-844	NEW-P	01-10-129
246-221-110	AMD-P	01-02-087	246-310-990	AMD-P	01-11-154	246-919-845	NEW-P	01-10-129
246-221-110	AMD	01-05-110	246-314-990	PREP	01-10-123	246-919-846	NEW-P	01-10-129
246-221-113	AMD-P	01-02-087	246-320-990	PREP	01-10-124	246-928-015	REP-P	01-07-086
246-221-113	AMD	01-05-110	246-322-990	AMD-P	01-11-156	246-928-015	REP	01-11-165
246-221-117	AMD-P	01-02-087	246-323-990	AMD-P	01-11-157	246-928-020	REP-P	01-07-086
246-221-117	AMD	01-05-110	246-324-990	AMD-P	01-11-156	246-928-020	REP	01-11-165
246-221-230	AMD-P	01-02-087	246-325-990	AMD-P	01-11-157	246-928-030	REP-P	01-07-086
246-221-230	AMD	01-05-110	246-326-990	AMD-P	01-11-157	246-928-030	REP	01-11-165
246-221-250	AMD-P	01-02-087	246-326-990	AMD-P	01-11-157	246-928-040	REP-P	01-07-086
246-221-250	AMD	01-05-110	246-327-990	PREP	01-10-125	246-928-040	REP-P	01-07-086
246-221-285	AMD-P	01-02-087	246-329-990	AMD-P	01-11-155	246-928-040	REP	01-11-165
246-221-285	AMD	01-05-110	246-331-990	PREP	01-10-125	246-928-050	REP-P	01-07-086
246-244-070	AMD-P	01-02-087	246-336-990	PREP	01-10-125	246-928-050	REP	01-11-165
246-244-070	AMD	01-05-110	246-360-990	AMD-P	01-11-153	246-928-060	REP-P	01-07-086
246-246-001	AMD-P	01-10-130	246-430-001	REP	01-04-086	246-928-060	REP	01-11-165
246-254-053	AMD-P	01-11-163	246-430-010	REP	01-04-086	246-928-080	REP-P	01-07-086
246-254-070	AMD-P	01-11-160	246-430-020	REP	01-04-086	246-928-080	REP	01-11-165
246-254-080	AMD-P	01-11-160	246-430-030	REP	01-04-086	246-928-085	REP-P	01-07-086
246-254-090	AMD-P	01-11-160	246-430-040	REP	01-04-086	246-928-085	REP	01-11-165
246-254-100	AMD-P	01-11-160	246-430-050	REP	01-04-086	246-928-110	REP-P	01-07-086
246-254-120	AMD-P	01-11-160	246-430-060	REP	01-04-086	246-928-110	REP	01-11-165
246-260-9901	AMD-P	01-11-158	246-491	PREP	01-08-090	246-928-110	REP	01-11-165
246-282-001	AMD	01-04-054	246-680	PREP	01-08-091	246-928-120	REP-P	01-07-086
246-282-005	AMD	01-04-054	246-680	PREP	01-08-093	246-928-120	REP	01-11-165
246-282-010	AMD	01-04-054	246-817-440	NEW-P	01-11-164	246-928-130	REP-P	01-07-086
246-282-012	NEW	01-04-054	246-817-990	AMD-P	01-08-086	246-928-130	REP	01-11-165
246-282-014	NEW	01-04-054	246-817-990	AMD-C	01-09-086	246-928-140	REP-P	01-07-086
246-282-016	NEW	01-04-054	246-817-990	AMD	01-11-166	246-928-140	REP	01-11-165
246-282-020	AMD	01-04-054	246-836-060	REP-XR	01-10-126	246-928-150	REP-P	01-07-086
246-282-030	REP	01-04-054	246-840-421	NEW-P	01-10-127	246-928-150	REP	01-11-165
246-282-032	NEW	01-04-054	246-840-422	NEW-P	01-10-127	246-928-160	REP-P	01-07-086
246-282-034	NEW	01-04-054	246-840-423	NEW-P	01-10-127	246-928-160	REP	01-11-165
246-282-036	NEW	01-04-054	246-840-424	NEW-P	01-10-127	246-928-170	REP-P	01-07-086
246-282-040	REP	01-04-054	246-840-425	NEW-P	01-10-127	246-928-170	REP	01-11-165
246-282-042	NEW	01-04-054	246-840-426	NEW-P	01-10-127	246-928-180	REP-P	01-07-086
246-282-050	AMD	01-04-054	246-840-427	NEW-P	01-10-127	246-928-180	REP	01-11-165
246-282-060	AMD	01-04-054	246-843-072	REP	01-03-114	246-928-190	REP-P	01-07-086
246-282-070	AMD	01-04-054	246-843-074	REP	01-03-114	246-928-190	REP	01-11-165
246-282-080	AMD	01-04-054	246-853-221	NEW-P	01-10-128	246-928-200	REP-P	01-07-086
			246-853-222	NEW-P	01-10-128	246-928-200	REP	01-11-165
						246-928-210	REP-P	01-07-086

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-928-210	REP	01-11-165	246-976-885	PREP	01-10-131	284-04-600	NEW	01-03-034
246-928-220	REP-P	01-07-086	246-976-935	PREP	01-10-132	284-04-605	NEW	01-03-034
246-928-220	REP	01-11-165	246-976-960	PREP	01-11-162	284-04-610	NEW	01-03-034
246-928-310	NEW-P	01-07-086	248-554-001	REP	01-07-053	284-04-615	NEW	01-03-034
246-928-310	NEW	01-11-165	248-554-005	REP	01-07-053	284-04-620	NEW	01-03-034
246-928-320	NEW-P	01-07-086	248-554-010	REP	01-07-053	284-04-900	NEW	01-03-034
246-928-320	NEW	01-11-165	248-554-015	REP	01-07-053	284-07-050	AMD-P	01-08-098
246-928-410	NEW-P	01-07-086	248-554-018	REP	01-07-053	284-07-050	AMD	01-11-077
246-928-410	NEW	01-11-165	248-554-020	REP	01-07-053	284-07-130	AMD-P	01-11-167
246-928-420	NEW-P	01-07-086	248-554-030	REP	01-07-053	284-16-020	NEW-W	01-09-074
246-928-420	NEW	01-11-165	250-44-100	AMD-P	01-06-065	284-43-130	AMD	01-03-032
246-928-430	NEW-P	01-07-086	250-44-100	AMD	01-10-020	284-43-130	AMD	01-03-033
246-928-430	NEW	01-11-165	250-44-110	AMD-P	01-06-065	284-43-200	AMD	01-03-033
246-928-450	NEW-P	01-07-086	250-44-110	AMD	01-10-020	284-43-251	NEW	01-03-033
246-928-450	NEW	01-11-165	250-44-120	AMD-P	01-06-065	284-43-410	NEW	01-03-033
246-928-510	NEW-P	01-07-086	250-44-120	AMD	01-10-020	284-43-610	REP	01-03-033
246-928-510	NEW	01-11-165	250-63-010	NEW	01-08-017	284-43-615	NEW	01-03-033
246-928-520	NEW-P	01-07-086	250-63-020	NEW	01-08-017	284-43-620	AMD	01-03-033
246-928-520	NEW	01-11-165	250-63-030	NEW	01-08-017	284-43-630	NEW	01-03-033
246-928-530	NEW-P	01-07-086	250-63-040	NEW	01-08-017	284-43-815	NEW	01-03-032
246-928-530	NEW	01-11-165	250-63-050	NEW	01-08-017	284-43-820	NEW	01-03-033
246-928-540	NEW-P	01-07-086	250-63-060	NEW	01-08-017	284-43-821	NEW	01-03-035
246-928-540	NEW	01-11-165	250-63-070	NEW	01-08-017	284-43-822	NEW-W	01-12-083
246-928-550	NEW-P	01-07-086	250-63-080	NEW	01-08-017	284-43-823	NEW	01-03-035
246-928-550	NEW	01-11-165	251-01-415	AMD-P	01-08-063	284-43-824	NEW	01-03-035
246-928-560	NEW-P	01-07-086	251-01-415	AMD	01-11-112	284-43-824	AMD-E	01-04-087
246-928-560	NEW	01-11-165	251-12-600	AMD-P	01-08-063	284-43-899	NEW	01-03-033
246-928-570	NEW-P	01-07-086	251-12-600	AMD	01-11-112	284-66-030	AMD-W	01-12-084
246-928-570	NEW	01-11-165	251-17-150	AMD-W	01-07-056	284-66-063	AMD-W	01-12-084
246-928-610	NEW-P	01-07-086	251-17-175	AMD-W	01-07-056	284-66-066	AMD-W	01-12-084
246-928-620	NEW-P	01-07-086	260-75-010	PREP	01-12-059	284-66-077	AMD-W	01-12-084
246-928-710	NEW-P	01-07-086	262-01-110	PREP	01-03-144	284-66-092	AMD-W	01-12-084
246-928-710	NEW	01-11-165	262-01-110	AMD-P	01-07-028	284-66-110	AMD-W	01-12-084
246-928-720	NEW-P	01-07-086	262-01-110	AMD	01-11-034	284-66-120	AMD-W	01-12-084
246-928-720	NEW	01-11-165	262-01-120	PREP	01-03-144	284-66-142	AMD-W	01-12-084
246-928-730	NEW-P	01-07-086	262-01-130	PREP	01-03-144	284-66-170	AMD-W	01-12-084
246-928-730	NEW	01-11-165	262-01-130	AMD-P	01-07-028	286-06	PREP	01-02-090
246-928-740	NEW-P	01-07-086	262-01-130	AMD	01-11-034	286-06-045	NEW-P	01-09-025
246-928-740	NEW	01-11-165	263-12-050	AMD-P	01-06-058	286-06-050	AMD-P	01-09-025
246-928-750	NEW-P	01-07-086	263-12-050	AMD	01-09-031	286-06-060	AMD-P	01-09-025
246-928-750	NEW	01-11-165	263-12-059	NEW-P	01-06-059	286-06-065	AMD-P	01-09-025
246-928-760	NEW-P	01-07-086	263-12-059	NEW	01-09-032	286-06-080	AMD-P	01-09-025
246-928-760	NEW	01-11-165	275-25-500	REP-XR	01-11-104	286-06-090	AMD-P	01-09-025
246-928-990	AMD-P	01-07-086	284-04-120	NEW	01-03-034	286-06-100	AMD-P	01-09-025
246-928-990	AMD	01-11-165	284-04-200	NEW	01-03-034	286-06-110	AMD-P	01-09-025
246-939-005	NEW-P	01-06-054	284-04-205	NEW	01-03-034	286-06-120	AMD-P	01-09-025
246-939-020	NEW-P	01-06-054	284-04-210	NEW	01-03-034	286-13-040	PREP	01-02-090
246-939-040	NEW-P	01-06-054	284-04-215	NEW	01-03-034	286-13-040	AMD-P	01-09-025
246-976-031	PREP	01-11-162	284-04-220	NEW	01-03-034	286-40-020	AMD-P	01-09-025
246-976-500	PREP	01-10-131	284-04-225	NEW	01-03-034	292-100-007	AMD-P	01-08-080
246-976-510	PREP	01-10-131	284-04-300	NEW	01-03-034	292-100-010	AMD-P	01-08-080
246-976-550	PREP	01-10-131	284-04-305	NEW	01-03-034	292-100-020	AMD-P	01-08-080
246-976-560	PREP	01-10-131	284-04-310	NEW	01-03-034	292-100-030	AMD-P	01-08-080
246-976-600	PREP	01-10-131	284-04-400	NEW	01-03-034	292-100-040	AMD-P	01-08-080
246-976-610	PREP	01-10-131	284-04-405	NEW	01-03-034	292-100-041	NEW-P	01-08-080
246-976-650	PREP	01-10-131	284-04-410	NEW	01-03-034	292-100-042	NEW-P	01-08-080
246-976-720	PREP	01-10-131	284-04-500	NEW	01-03-034	292-100-045	NEW-P	01-08-080
246-976-730	PREP	01-10-131	284-04-505	NEW	01-03-034	292-100-046	NEW-P	01-08-080
246-976-770	PREP	01-10-131	284-04-510	NEW	01-03-034	292-100-047	NEW-P	01-08-080
246-976-780	PREP	01-10-131	284-04-515	NEW	01-03-034	292-100-050	AMD-P	01-08-080
246-976-810	PREP	01-10-131	284-04-520	NEW	01-03-034	292-100-060	AMD-P	01-08-080
246-976-820	PREP	01-10-131	284-04-525	NEW	01-03-034	292-100-070	REP-P	01-08-080

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
292-100-080	AMD-P	01-08-080	296- 24-06125	REP	01-11-038	296- 24-55003	REP	01-11-038
292-100-100	AMD-P	01-08-080	296- 24-06130	REP	01-11-038	296- 24-55005	REP	01-11-038
292-100-110	AMD-P	01-08-080	296- 24-06135	REP	01-11-038	296- 24-55007	REP	01-11-038
292-100-130	AMD-P	01-08-080	296- 24-06140	REP	01-11-038	296- 24-55009	REP	01-11-038
292-100-140	AMD-P	01-08-080	296- 24-06145	REP	01-11-038	296- 24-565	REP	01-11-038
292-100-150	AMD-P	01-08-080	296- 24-06150	REP	01-11-038	296- 24-56501	REP	01-11-038
292-100-160	AMD-P	01-08-080	296- 24-06155	REP	01-11-038	296- 24-56503	REP	01-11-038
292-100-170	AMD-P	01-08-080	296- 24-06160	REP	01-11-038	296- 24-56505	REP	01-11-038
292-100-175	NEW-P	01-08-080	296- 24-073	REP	01-11-038	296- 24-56507	REP	01-11-038
292-100-180	AMD-P	01-08-080	296- 24-075	REP	01-11-038	296- 24-56509	REP	01-11-038
292-100-190	AMD-P	01-08-080	296- 24-07501	REP	01-11-038	296- 24-56511	REP	01-11-038
292-100-200	AMD-P	01-08-080	296- 24-078	REP	01-11-038	296- 24-56513	REP	01-11-038
292-100-210	AMD-P	01-08-080	296- 24-07801	REP	01-11-038	296- 24-56515	REP	01-11-038
292-110-010	PREP	01-11-120	296- 24-084	REP	01-11-038	296- 24-56517	REP	01-11-038
292-110-050	AMD-P	01-08-080	296- 24-086	REP	01-11-038	296- 24-56519	REP	01-11-038
292-110-060	AMD-P	01-08-080	296- 24-088	REP	01-11-038	296- 24-56521	REP	01-11-038
292-120	PREP	01-11-121	296- 24-090	REP	01-11-038	296- 24-56523	REP	01-11-038
292-130-020	AMD-P	01-08-080	296- 24-092	REP	01-11-038	296- 24-56529	REP	01-11-038
292-130-030	AMD-P	01-08-080	296- 24-094	REP	01-11-038	296- 24-56531	REP	01-11-038
292-130-040	AMD-P	01-08-080	296- 24-096	REP	01-11-038	296- 24-567	AMD	01-11-038
292-130-060	AMD-P	01-08-080	296- 24-098	REP	01-11-038	296- 24-58513	AMD	01-11-038
292-130-065	NEW-P	01-08-080	296- 24-10203	AMD	01-11-038	296- 24-58517	AMD	01-11-038
292-130-070	AMD-P	01-08-080	296- 24-12001	AMD	01-11-038	296- 24-59201	AMD	01-11-038
292-130-080	AMD-P	01-08-080	296- 24-12003	REP	01-11-038	296- 24-59203	REP-P	01-12-103
292-130-130	AMD-P	01-08-080	296- 24-12005	REP	01-11-038	296- 24-59205	REP	01-11-038
296- 17	PREP	01-03-157	296- 24-12006	AMD-W	01-11-039	296- 24-59207	REP	01-11-038
296- 17	PREP	01-11-149	296- 24-12007	REP	01-11-038	296- 24-59209	REP	01-11-038
296- 17	PREP	01-11-150	296- 24-12009	REP	01-11-038	296- 24-59211	REP	01-11-038
296- 20	PREP	01-02-091	296- 24-12010	NEW	01-11-038	296- 24-59212	NEW	01-11-038
296- 20-01002	AMD-P	01-08-092	296- 24-12019	REP	01-11-038	296- 24-59213	REP	01-11-038
296- 20-03001	AMD-P	01-08-092	296- 24-12021	REP	01-11-038	296- 24-59215	AMD	01-11-038
296- 20-091	AMD-P	01-08-092	296- 24-14007	AMD	01-11-038	296- 24-61705	AMD	01-11-038
296- 20-135	AMD-P	01-05-113	296- 24-20700	AMD-W	01-11-039	296- 24-62203	AMD	01-11-038
296- 20-135	AMD	01-10-026	296- 24-21503	REP	01-11-038	296- 24-631	REP-P	01-12-103
296- 20-303	NEW-P	01-08-092	296- 24-21505	REP	01-11-038	296- 24-63101	REP-P	01-12-103
296- 23	PREP	01-02-091	296- 24-21507	REP	01-11-038	296- 24-63103	REP-P	01-12-103
296- 23-165	AMD-P	01-08-092	296- 24-23001	AMD-W	01-11-039	296- 24-63105	REP-P	01-12-103
296- 23-170	AMD-P	01-08-092	296- 24-23007	AMD-W	01-11-039	296- 24-63107	REP-P	01-12-103
296- 23-220	AMD-P	01-05-113	296- 24-23503	AMD	01-11-038	296- 24-63109	REP-P	01-12-103
296- 23-220	AMD	01-10-026	296- 24-23505	AMD-P	01-12-103	296- 24-63199	REP-P	01-12-103
296- 23-230	AMD-P	01-05-113	296- 24-23507	AMD	01-11-038	296- 24-65001	REP	01-11-038
296- 23-230	AMD	01-10-026	296- 24-23513	AMD	01-11-038	296- 24-65501	AMD	01-11-038
296- 23-245	AMD-P	01-08-092	296- 24-23533	AMD-W	01-11-039	296- 24-67515	AMD	01-11-038
296- 24	PREP	01-07-102	296- 24-260	AMD-P	01-12-103	296- 24-68215	AMD-P	01-12-103
296- 24	PREP	01-09-093	296- 24-31503	AMD-W	01-11-039	296- 24-68503	AMD	01-11-038
296- 24-001	REP	01-11-038	296- 24-31505	AMD-W	01-11-039	296- 24-68505	AMD	01-11-038
296- 24-005	AMD	01-11-038	296- 24-32003	AMD-W	01-11-039	296- 24-69001	AMD	01-11-038
296- 24-006	REP	01-11-038	296- 24-33009	AMD-P	01-12-103	296- 24-70003	AMD	01-11-038
296- 24-007	REP	01-11-038	296- 24-33011	AMD-W	01-11-039	296- 24-70005	AMD	01-11-038
296- 24-008	REP	01-11-038	296- 24-33015	AMD-W	01-11-039	296- 24-73503	REP	01-11-038
296- 24-010	REP	01-11-038	296- 24-33015	AMD-P	01-12-103	296- 24-73509	REP	01-11-038
296- 24-015	REP	01-11-038	296- 24-33017	AMD-W	01-11-039	296- 24-73513	REP	01-11-038
296- 24-020	REP	01-11-038	296- 24-37005	AMD-W	01-11-039	296- 24-75001	AMD-W	01-11-039
296- 24-025	REP	01-11-038	296- 24-37019	AMD-W	01-11-039	296- 24-75003	REP-W	01-11-039
296- 24-040	REP	01-11-038	296- 24-37023	AMD-W	01-11-039	296- 24-75003	AMD-P	01-12-103
296- 24-045	REP	01-11-038	296- 24-40513	AMD	01-11-038	296- 24-75005	AMD-W	01-11-039
296- 24-055	REP	01-11-038	296- 24-47505	AMD-W	01-11-039	296- 24-75007	AMD-P	01-12-103
296- 24-061	REP	01-11-038	296- 24-47509	AMD-P	01-12-103	296- 24-75009	REP-P	01-12-103
296- 24-06105	REP	01-11-038	296- 24-47513	AMD-P	01-12-103	296- 24-76505	REP	01-11-038
296- 24-06110	REP	01-11-038	296- 24-47517	AMD-P	01-12-103	296- 24-76507	REP-W	01-11-039
296- 24-06115	REP	01-11-038	296- 24-550	REP	01-11-038	296- 24-76509	REP-W	01-11-039
296- 24-06120	REP	01-11-038	296- 24-55001	AMD-P	01-12-103	296- 24-76517	REP	01-11-038

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-24-780	AMD-W	01-11-039	296-54-59340	AMD	01-11-038	296-62-07338	AMD	01-11-038
296-24-78003	AMD-P	01-12-103	296-56	PREP	01-07-102	296-62-07342	AMD	01-11-038
296-24-78005	AMD-P	01-12-103	296-56	PREP	01-09-093	296-62-07347	AMD	01-11-038
296-24-78009	AMD-P	01-12-103	296-56-60001	AMD	01-11-038	296-62-07367	AMD	01-11-038
296-24-79501	AMD-W	01-11-039	296-56-60003	AMD	01-11-038	296-62-07373	AMD	01-11-038
296-24-79507	REP	01-11-038	296-56-60009	AMD	01-11-038	296-62-07385	AMD	01-11-038
296-24-81003	AMD-W	01-11-039	296-56-60083	AMD-P	01-12-103	296-62-07417	AMD	01-11-038
296-24-95605	AMD-W	01-11-039	296-56-60171	AMD-P	01-12-103	296-62-07419	AMD	01-11-038
296-24-95607	AMD	01-11-038	296-56-60207	AMD-P	01-12-103	296-62-07425	AMD	01-11-038
296-24-980	AMD	01-11-038	296-59	PREP	01-07-102	296-62-07460	AMD	01-11-038
296-30-130	PREP	01-03-156	296-59-001	AMD	01-11-038	296-62-07470	AMD	01-11-038
296-30-130	REP-XR	01-09-094	296-59-005	AMD	01-11-038	296-62-07473	AMD	01-11-038
296-32	PREP	01-07-102	296-59-010	AMD	01-11-038	296-62-07519	AMD	01-11-038
296-32	PREP	01-09-093	296-59-020	AMD	01-11-038	296-62-07521	AMD	01-11-038
296-32-200	AMD	01-11-038	296-59-025	AMD	01-11-038	296-62-07523	AMD	01-11-038
296-32-220	AMD	01-11-038	296-59-030	AMD	01-11-038	296-62-07540	AMD	01-11-038
296-32-230	AMD	01-11-038	296-59-035	AMD	01-11-038	296-62-07601	AMD	01-11-038
296-32-240	AMD-E	01-04-090	296-59-050	AMD	01-11-038	296-62-07617	AMD	01-11-038
296-32-240	AMD-P	01-04-091	296-59-065	AMD	01-11-038	296-62-07619	AMD-P	01-12-103
296-32-240	AMD	01-07-075	296-59-070	AMD	01-11-038	296-62-07621	AMD	01-11-038
296-32-250	AMD	01-11-038	296-59-085	AMD	01-11-038	296-62-07631	AMD	01-11-038
296-32-260	AMD	01-11-038	296-59-105	AMD-P	01-12-103	296-62-07717	AMD	01-11-038
296-36	PREP	01-07-102	296-61	PREP	01-07-102	296-62-07719	AMD-P	01-12-103
296-36	PREP	01-09-093	296-62	PREP	01-04-089	296-62-07721	AMD	01-11-038
296-36-190	AMD-P	01-12-103	296-62	PREP	01-07-102	296-62-08001	AMD-P	01-09-089
296-37-510	AMD	01-11-038	296-62	PREP	01-09-093	296-62-09001	AMD-P	01-12-103
296-37-575	AMD	01-11-038	296-62	PREP	01-11-151	296-62-09003	REP	01-11-038
296-45	PREP	01-07-102	296-62-010	AMD	01-11-038	296-62-11021	AMD	01-11-038
296-45	PREP	01-09-093	296-62-050	AMD	01-11-038	296-62-12000	REP	01-11-038
296-45-015	AMD	01-11-038	296-62-05207	AMD	01-11-038	296-62-12003	REP	01-11-038
296-45-035	AMD	01-11-038	296-62-05209	AMD-P	01-12-103	296-62-12005	REP	01-11-038
296-45-055	AMD	01-11-038	296-62-05301	NEW	01-11-038	296-62-12009	REP	01-11-038
296-45-075	AMD	01-11-038	296-62-05305	NEW	01-11-038	296-62-20013	AMD	01-11-038
296-45-125	AMD	01-11-038	296-62-05310	NEW	01-11-038	296-62-20015	AMD	01-11-038
296-45-25505	AMD	01-11-038	296-62-05315	NEW	01-11-038	296-62-30001	AMD	01-11-038
296-45-275	AMD	01-11-038	296-62-05320	NEW	01-11-038	296-62-30230	AMD	01-11-038
296-45-285	AMD	01-11-038	296-62-05325	NEW	01-11-038	296-62-30235	AMD	01-11-038
296-45-45510	AMD	01-11-038	296-62-054	AMD	01-11-038	296-62-30425	AMD	01-11-038
296-45-48535	AMD	01-11-038	296-62-05402	NEW	01-11-038	296-62-30435	AMD	01-11-038
296-45-52530	AMD-E	01-04-090	296-62-05403	REP	01-11-038	296-62-30605	AMD	01-11-038
296-45-52530	AMD-P	01-04-091	296-62-05404	NEW	01-11-038	296-62-3090	AMD	01-11-038
296-45-52530	AMD	01-07-075	296-62-05405	REP	01-11-038	296-62-31335	AMD-P	01-12-103
296-45-67545	AMD-P	01-12-103	296-62-05406	NEW	01-11-038	296-62-31410	AMD	01-11-038
296-46A	PREP	01-05-116	296-62-05407	REP	01-11-038	296-62-3195	AMD	01-11-038
296-46A-910	AMD-P	01-09-090	296-62-05408	NEW	01-11-038	296-62-40003	AMD	01-11-038
296-46A-910	AMD	01-12-035	296-62-05409	REP	01-11-038	296-62-40015	AMD	01-11-038
296-46A-915	AMD-P	01-09-090	296-62-05410	NEW	01-11-038	296-62-40025	AMD-P	01-12-103
296-46A-915	AMD	01-12-035	296-62-05411	REP	01-11-038	296-62-41031	AMD	01-11-038
296-50	PREP	01-07-102	296-62-05412	NEW	01-11-038	296-62-41086	AMD	01-11-038
296-52	PREP	01-07-102	296-62-05413	REP	01-11-038	296-63-009	AMD	01-11-038
296-52-465	AMD	01-11-038	296-62-05415	REP	01-11-038	296-67-005	AMD	01-11-038
296-52-489	AMD	01-11-038	296-62-05417	REP	01-11-038	296-67-053	AMD	01-11-038
296-52-497	AMD	01-11-038	296-62-05419	REP	01-11-038	296-67-061	AMD	01-11-038
296-52-501	AMD	01-11-038	296-62-05421	REP	01-11-038	296-67-291	AMD	01-11-038
296-54	PREP	01-07-102	296-62-05423	REP	01-11-038	296-78	PREP	01-07-102
296-54	PREP	01-09-093	296-62-05425	REP	01-11-038	296-78	PREP	01-09-093
296-54-501	AMD	01-11-038	296-62-05427	REP	01-11-038	296-78-500	AMD	01-11-038
296-54-507	AMD	01-11-038	296-62-05429	REP	01-11-038	296-78-515	AMD	01-11-038
296-54-51120	AMD	01-11-038	296-62-07101	AMD	01-11-038	296-78-540	AMD	01-11-038
296-54-51160	AMD	01-11-038	296-62-07306	AMD	01-11-038	296-78-545	AMD	01-11-038
296-54-521	AMD-P	01-12-103	296-62-07308	AMD	01-11-038	296-78-56501	AMD	01-11-038
296-54-59330	AMD-P	01-12-103	296-62-07336	AMD	01-11-038	296-78-56505	AMD-P	01-12-103

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-78-670	AMD	01-11-038	296-104-065	PREP	01-10-034	296-150T-3000	AMD	01-12-035
296-78-71001	AMD	01-11-038	296-104-100	PREP	01-10-034	296-150V	PREP	01-03-070
296-78-71003	AMD	01-11-038	296-104-102	PREP	01-10-034	296-150V	PREP	01-05-116
296-78-71009	AMD	01-11-038	296-104-105	PREP	01-10-034	296-150V-3000	AMD-P	01-09-090
296-78-71011	AMD	01-11-038	296-104-110	PREP	01-10-034	296-150V-3000	AMD	01-12-035
296-78-71015	AMD	01-11-038	296-104-115	PREP	01-10-034	296-155	PREP	01-07-102
296-78-71017	AMD	01-11-038	296-104-125	PREP	01-10-034	296-155	PREP	01-09-093
296-78-71019	AMD	01-11-038	296-104-130	PREP	01-10-034	296-155-005	AMD	01-11-038
296-78-71023	AMD	01-11-038	296-104-135	PREP	01-10-034	296-155-110	AMD	01-11-038
296-78-730	AMD	01-11-038	296-104-140	PREP	01-10-034	296-155-120	AMD	01-11-038
296-78-735	AMD	01-11-038	296-104-145	PREP	01-10-034	296-155-125	AMD	01-11-038
296-78-795	AMD	01-11-038	296-104-150	PREP	01-10-034	296-155-130	AMD	01-11-038
296-78-84005	AMD	01-11-038	296-104-151	PREP	01-10-034	296-155-140	AMD	01-11-038
296-79	PREP	01-07-102	296-104-155	PREP	01-10-034	296-155-17321	AMD	01-11-038
296-79-010	AMD	01-11-038	296-104-160	PREP	01-10-034	296-155-17323	AMD	01-11-038
296-79-020	AMD	01-11-038	296-104-165	PREP	01-10-034	296-155-174	AMD	01-11-038
296-79-040	AMD	01-11-038	296-104-170	PREP	01-10-034	296-155-17609	AMD	01-11-038
296-79-050	AMD	01-11-038	296-104-180	PREP	01-10-034	296-155-17615	AMD	01-11-038
296-79-090	AMD	01-11-038	296-104-200	PREP	01-10-034	296-155-17625	AMD	01-11-038
296-79-100	AMD	01-11-038	296-104-205	PREP	01-10-034	296-155-180	AMD	01-11-038
296-79-120	AMD	01-11-038	296-104-210	PREP	01-10-034	296-155-200	PREP	01-05-115
296-79-300	AMD	01-11-038	296-104-215	PREP	01-10-034	296-155-200	AMD	01-11-038
296-96	PREP	01-05-116	296-104-220	PREP	01-10-034	296-155-20301	AMD	01-11-038
296-96-01010	AMD-P	01-09-090	296-104-230	PREP	01-10-034	296-155-205	AMD	01-04-015
296-96-01010	AMD	01-12-035	296-104-235	PREP	01-10-034	296-155-260	AMD	01-11-038
296-96-01027	AMD-P	01-09-090	296-104-240	PREP	01-10-034	296-155-270	AMD-P	01-12-103
296-96-01027	AMD	01-12-035	296-104-245	PREP	01-10-034	296-155-275	AMD-P	01-12-103
296-96-01030	AMD-P	01-09-090	296-104-255	PREP	01-10-034	296-155-305	AMD	01-04-015
296-96-01030	AMD	01-12-035	296-104-256	PREP	01-10-034	296-155-407	AMD	01-11-038
296-96-01035	AMD-P	01-09-090	296-104-260	PREP	01-10-034	296-155-525	AMD-P	01-12-103
296-96-01035	AMD	01-12-035	296-104-265	PREP	01-10-034	296-155-575	AMD-P	01-12-103
296-96-01040	AMD-P	01-09-090	296-104-502	PREP	01-10-034	296-155-605	PREP	01-05-115
296-96-01040	AMD	01-12-035	296-104-700	AMD-P	01-09-091	296-155-615	PREP	01-05-115
296-96-01045	AMD-P	01-09-090	296-104-700	PREP	01-10-034	296-155-625	AMD	01-04-015
296-96-01045	AMD	01-12-035	296-104-700	AMD	01-12-034	296-155-655	PREP	01-05-115
296-96-01050	AMD-P	01-09-090	296-115	PREP	01-07-102	296-155-730	AMD-P	01-12-103
296-96-01050	AMD	01-12-035	296-131	PREP	01-05-114	296-155-745	AMD-P	01-12-103
296-96-01055	AMD-P	01-09-090	296-131-117	NEW-P	01-09-092	296-200A	PREP	01-05-116
296-96-01055	AMD	01-12-035	296-150C	PREP	01-03-070	296-200A-900	AMD-P	01-09-090
296-96-01060	AMD-P	01-09-090	296-150C	PREP	01-05-116	296-200A-900	AMD	01-12-035
296-96-01060	AMD	01-12-035	296-150C-3000	AMD-P	01-09-090	296-301	PREP	01-07-102
296-96-01065	AMD-P	01-09-090	296-150C-3000	AMD	01-12-035	296-301-010	AMD	01-11-038
296-96-01065	AMD	01-12-035	296-150F	PREP	01-03-070	296-301-020	AMD	01-11-038
296-99-010	AMD	01-11-038	296-150F	PREP	01-05-116	296-301-215	AMD	01-11-038
296-99-040	AMD	01-11-038	296-150F-3000	AMD-P	01-09-090	296-301-220	AMD	01-11-038
296-104	PREP	01-05-131	296-150F-3000	AMD	01-12-035	296-302	PREP	01-07-102
296-104-001	PREP	01-10-034	296-150M	PREP	01-03-070	296-302-010	AMD	01-11-038
296-104-010	PREP	01-10-034	296-150M	PREP	01-05-116	296-302-02501	AMD	01-11-038
296-104-015	PREP	01-10-034	296-150M-0049	NEW-E	01-08-010	296-302-050	AMD	01-11-038
296-104-017	PREP	01-10-034	296-150M-0140	AMD-E	01-08-010	296-302-060	AMD	01-11-038
296-104-018	PREP	01-10-034	296-150M-3000	AMD-P	01-09-090	296-302-06513	AMD	01-11-038
296-104-020	PREP	01-10-034	296-150M-3000	AMD	01-12-035	296-303	PREP	01-07-102
296-104-025	PREP	01-10-034	296-150P	PREP	01-03-070	296-303-01001	AMD	01-11-038
296-104-030	PREP	01-10-034	296-150P	PREP	01-05-116	296-304	PREP	01-07-102
296-104-035	PREP	01-10-034	296-150P-3000	AMD-P	01-09-090	296-304-010	AMD	01-11-038
296-104-040	PREP	01-10-034	296-150P-3000	AMD	01-12-035	296-304-06013	AMD	01-11-038
296-104-045	PREP	01-10-034	296-150R	PREP	01-03-070	296-305	PREP	01-07-102
296-104-050	PREP	01-10-034	296-150R	PREP	01-05-116	296-305-01003	AMD	01-11-038
296-104-055	AMD-P	01-09-091	296-150R-3000	AMD-P	01-09-090	296-305-01005	AMD	01-11-038
296-104-055	PREP	01-10-034	296-150R-3000	AMD	01-12-035	296-305-01009	AMD	01-11-038
296-104-055	AMD	01-12-034	296-150T	PREP	01-03-070	296-305-01509	AMD	01-11-038
296-104-060	PREP	01-10-034	296-150T-3000	AMD-P	01-09-090	296-305-01515	AMD	01-11-038

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-305-01517	AMD	01-11-038	296-800-14005	NEW	01-11-038	296-800-23025	NEW	01-11-038
296-305-04511	AMD	01-11-038	296-800-14020	NEW	01-11-038	296-800-23030	NEW	01-11-038
296-305-05503	AMD	01-11-038	296-800-14025	NEW	01-11-038	296-800-23035	NEW	01-11-038
296-305-06005	AMD	01-11-038	296-800-150	NEW	01-11-038	296-800-240	NEW	01-11-038
296-305-06007	AMD	01-11-038	296-800-15005	NEW	01-11-038	296-800-24005	NEW	01-11-038
296-305-06503	AMD	01-11-038	296-800-15010	NEW	01-11-038	296-800-24010	NEW	01-11-038
296-305-06511	AMD	01-11-038	296-800-15015	NEW	01-11-038	296-800-250	NEW	01-11-038
296-305-06515	AMD	01-11-038	296-800-15020	NEW	01-11-038	296-800-25005	NEW	01-11-038
296-307	PREP	01-09-093	296-800-15025	NEW	01-11-038	296-800-25010	NEW	01-11-038
296-307-018	AMD-P	01-12-103	296-800-160	NEW	01-11-038	296-800-25015	NEW	01-11-038
296-307-039	AMD-P	01-12-103	296-800-16005	NEW	01-11-038	296-800-260	NEW	01-11-038
296-307-03905	NEW-P	01-12-103	296-800-16010	NEW	01-11-038	296-800-26005	NEW	01-11-038
296-307-03910	NEW-P	01-12-103	296-800-16015	NEW	01-11-038	296-800-26010	NEW	01-11-038
296-307-03915	NEW-P	01-12-103	296-800-16020	NEW	01-11-038	296-800-270	NEW	01-11-038
296-307-03920	NEW-P	01-12-103	296-800-16025	NEW	01-11-038	296-800-27005	NEW	01-11-038
296-307-03925	NEW-P	01-12-103	296-800-16030	NEW	01-11-038	296-800-27010	NEW	01-11-038
296-307-042	REP-P	01-12-103	296-800-16035	NEW	01-11-038	296-800-27015	NEW	01-11-038
296-307-07013	AMD-P	01-12-103	296-800-16040	NEW	01-11-038	296-800-27020	NEW	01-11-038
296-307-12040	AMD-P	01-12-103	296-800-16045	NEW	01-11-038	296-800-280	NEW	01-11-038
296-307-13025	AMD-P	01-12-103	296-800-16050	NEW	01-11-038	296-800-28005	NEW	01-11-038
296-307-14505	AMD-P	01-12-103	296-800-16055	NEW	01-11-038	296-800-28010	NEW	01-11-038
296-307-550	NEW-P	01-12-103	296-800-16060	NEW	01-11-038	296-800-28015	NEW	01-11-038
296-307-55005	NEW-P	01-12-103	296-800-16065	NEW	01-11-038	296-800-28020	NEW	01-11-038
296-307-55010	NEW-P	01-12-103	296-800-16070	NEW	01-11-038	296-800-28022	NEW	01-11-038
296-307-55015	NEW-P	01-12-103	296-800-170	NEW	01-11-038	296-800-28025	NEW	01-11-038
296-307-55020	NEW-P	01-12-103	296-800-17005	NEW	01-11-038	296-800-28030	NEW	01-11-038
296-307-55025	NEW-P	01-12-103	296-800-17010	NEW	01-11-038	296-800-28035	NEW	01-11-038
296-307-55030	NEW-P	01-12-103	296-800-17015	NEW	01-11-038	296-800-28040	NEW	01-11-038
296-307-55035	NEW-P	01-12-103	296-800-17020	NEW	01-11-038	296-800-28045	NEW	01-11-038
296-307-55040	NEW-P	01-12-103	296-800-17025	NEW	01-11-038	296-800-290	NEW	01-11-038
296-307-55045	NEW-P	01-12-103	296-800-17030	NEW	01-11-038	296-800-29005	NEW	01-11-038
296-307-55050	NEW-P	01-12-103	296-800-17035	NEW	01-11-038	296-800-29010	NEW	01-11-038
296-307-55055	NEW-P	01-12-103	296-800-17040	NEW	01-11-038	296-800-29015	NEW	01-11-038
296-307-55060	NEW-P	01-12-103	296-800-17045	NEW	01-11-038	296-800-29020	NEW	01-11-038
296-307-570	NEW-P	01-12-103	296-800-17050	NEW	01-11-038	296-800-29025	NEW	01-11-038
296-307-57005	NEW-P	01-12-103	296-800-17055	NEW	01-11-038	296-800-29030	NEW	01-11-038
296-307-590	NEW-P	01-12-103	296-800-180	NEW	01-11-038	296-800-29035	NEW	01-11-038
296-307-59005	NEW-P	01-12-103	296-800-18005	NEW	01-11-038	296-800-29040	NEW	01-11-038
296-307-59010	NEW-P	01-12-103	296-800-18010	NEW	01-11-038	296-800-300	NEW	01-11-038
296-350	PREP	01-09-093	296-800-18015	NEW	01-11-038	296-800-30005	NEW	01-11-038
296-350-60025	REP-P	01-12-103	296-800-18020	NEW	01-11-038	296-800-30010	NEW	01-11-038
296-400A	PREP	01-05-116	296-800-190	NEW	01-11-038	296-800-30015	NEW	01-11-038
296-401B	PREP	01-05-116	296-800-19005	NEW	01-11-038	296-800-30020	NEW	01-11-038
296-401B-700	AMD-P	01-09-090	296-800-200	NEW	01-11-038	296-800-30025	NEW	01-11-038
296-401B-700	AMD	01-12-035	296-800-20005	NEW	01-11-038	296-800-310	NEW	01-11-038
296-800	PREP	01-09-093	296-800-210	NEW	01-11-038	296-800-31005	NEW	01-11-038
296-800-100	NEW	01-11-038	296-800-21005	NEW	01-11-038	296-800-31010	NEW	01-11-038
296-800-110	NEW	01-11-038	296-800-220	NEW	01-11-038	296-800-31015	NEW	01-11-038
296-800-11005	NEW	01-11-038	296-800-22005	NEW	01-11-038	296-800-31020	NEW	01-11-038
296-800-11010	NEW	01-11-038	296-800-22010	NEW	01-11-038	296-800-31025	NEW	01-11-038
296-800-11015	NEW	01-11-038	296-800-22015	NEW	01-11-038	296-800-31030	NEW	01-11-038
296-800-11020	NEW	01-11-038	296-800-22020	NEW	01-11-038	296-800-31035	NEW	01-11-038
296-800-11025	NEW	01-11-038	296-800-22022	NEW	01-11-038	296-800-31040	NEW	01-11-038
296-800-11030	NEW	01-11-038	296-800-22025	NEW	01-11-038	296-800-31045	NEW	01-11-038
296-800-11035	NEW	01-11-038	296-800-22030	NEW	01-11-038	296-800-31050	NEW	01-11-038
296-800-120	NEW	01-11-038	296-800-22035	NEW	01-11-038	296-800-31053	NEW	01-11-038
296-800-12005	NEW	01-11-038	296-800-22040	NEW	01-11-038	296-800-31055	NEW	01-11-038
296-800-130	NEW	01-11-038	296-800-230	NEW	01-11-038	296-800-31060	NEW	01-11-038
296-800-13005	NEW	01-11-038	296-800-23005	NEW	01-11-038	296-800-31065	NEW	01-11-038
296-800-13010	NEW	01-11-038	296-800-23010	NEW	01-11-038	296-800-31067	NEW	01-11-038
296-800-13015	NEW	01-11-038	296-800-23015	NEW	01-11-038	296-800-31070	NEW	01-11-038
296-800-140	NEW	01-11-038	296-800-23020	NEW	01-11-038	296-800-31075	NEW	01-11-038

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-800-31080	NEW	01-11-038	308- 15-060	NEW-P	01-07-101	308- 57-005	AMD-P	01-08-051
296-800-320	NEW	01-11-038	308- 15-060	NEW	01-12-023	308- 57-005	AMD	01-12-099
296-800-32005	NEW	01-11-038	308- 15-070	NEW-P	01-07-101	308- 57-010	AMD-P	01-05-106
296-800-32010	NEW	01-11-038	308- 15-070	NEW	01-12-023	308- 57-010	AMD-W	01-07-029
296-800-32015	NEW	01-11-038	308- 15-075	NEW-P	01-07-101	308- 57-010	AMD-P	01-08-051
296-800-32020	NEW	01-11-038	308- 15-075	NEW	01-12-023	308- 57-010	AMD	01-12-099
296-800-32025	NEW	01-11-038	308- 15-080	NEW-P	01-07-101	308- 57-020	AMD-P	01-05-106
296-800-330	NEW	01-11-038	308- 15-080	NEW	01-12-023	308- 57-020	AMD-W	01-07-029
296-800-340	NEW	01-11-038	308- 15-090	NEW-P	01-07-101	308- 57-020	AMD-P	01-08-051
296-800-350	NEW	01-11-038	308- 15-090	NEW	01-12-023	308- 57-020	AMD	01-12-099
296-800-35002	NEW	01-11-038	308- 15-100	NEW-P	01-07-101	308- 57-030	AMD-P	01-05-106
296-800-35004	NEW	01-11-038	308- 15-100	NEW	01-12-023	308- 57-030	AMD-W	01-07-029
296-800-35006	NEW	01-11-038	308- 15-101	NEW-P	01-07-101	308- 57-030	AMD-P	01-08-051
296-800-35008	NEW	01-11-038	308- 15-101	NEW	01-12-023	308- 57-030	AMD	01-12-099
296-800-35010	NEW	01-11-038	308- 15-102	NEW-P	01-07-101	308- 57-110	AMD-P	01-05-106
296-800-35012	NEW	01-11-038	308- 15-102	NEW	01-12-023	308- 57-110	AMD-W	01-07-029
296-800-35016	NEW	01-11-038	308- 15-103	NEW-P	01-07-101	308- 57-110	AMD-P	01-08-051
296-800-35018	NEW	01-11-038	308- 15-103	NEW	01-12-023	308- 57-110	AMD	01-12-099
296-800-35020	NEW	01-11-038	308- 15-150	NEW-P	01-07-100	308- 57-120	REP-P	01-05-106
296-800-35022	NEW	01-11-038	308- 15-150	NEW	01-12-022	308- 57-120	REP-W	01-07-029
296-800-35024	NEW	01-11-038	308- 29-010	AMD-P	01-03-130	308- 57-120	REP-P	01-08-051
296-800-35026	NEW	01-11-038	308- 29-010	AMD	01-11-132	308- 57-120	REP	01-12-099
296-800-35028	NEW	01-11-038	308- 29-020	AMD-P	01-03-130	308- 57-130	REP-P	01-05-106
296-800-35030	NEW	01-11-038	308- 29-020	AMD	01-11-132	308- 57-130	REP-W	01-07-029
296-800-35032	NEW	01-11-038	308- 29-025	NEW-P	01-03-130	308- 57-130	REP-P	01-08-051
296-800-35038	NEW	01-11-038	308- 29-025	NEW	01-11-132	308- 57-130	REP	01-12-099
296-800-35040	NEW	01-11-038	308- 29-030	AMD-P	01-03-130	308- 57-135	REP-P	01-05-106
296-800-35042	NEW	01-11-038	308- 29-030	AMD	01-11-132	308- 57-135	REP-W	01-07-029
296-800-35044	NEW	01-11-038	308- 29-045	AMD-P	01-03-130	308- 57-135	REP-P	01-08-051
296-800-35046	NEW	01-11-038	308- 29-045	AMD	01-11-132	308- 57-135	REP	01-12-099
296-800-35048	NEW	01-11-038	308- 29-050	AMD-P	01-03-130	308- 57-140	AMD-P	01-05-106
296-800-35049	NEW	01-11-038	308- 29-050	AMD	01-11-132	308- 57-140	AMD-W	01-07-029
296-800-35050	NEW	01-11-038	308- 29-060	AMD-P	01-03-130	308- 57-140	AMD-P	01-08-051
296-800-35052	NEW	01-11-038	308- 29-060	AMD	01-11-132	308- 57-140	AMD	01-12-099
296-800-35056	NEW	01-11-038	308- 29-070	AMD-P	01-03-130	308- 57-210	A/R-P	01-05-106
296-800-35062	NEW	01-11-038	308- 29-070	AMD	01-11-132	308- 57-210	AMD-W	01-07-029
296-800-35063	NEW	01-11-038	308- 29-080	AMD-P	01-03-130	308- 57-210	AMD-P	01-08-051
296-800-35065	NEW	01-11-038	308- 29-080	AMD	01-11-132	308- 57-210	AMD	01-12-099
296-800-35066	NEW	01-11-038	308- 29-090	NEW-P	01-03-130	308- 57-230	AMD-P	01-05-106
296-800-35072	NEW	01-11-038	308- 29-090	NEW	01-11-132	308- 57-230	AMD-W	01-07-029
296-800-35076	NEW	01-11-038	308- 29-100	NEW-P	01-03-130	308- 57-230	AMD-P	01-08-051
296-800-35078	NEW	01-11-038	308- 29-100	NEW	01-11-132	308- 57-230	AMD	01-12-099
296-800-35080	NEW	01-11-038	308- 29-110	NEW-P	01-03-130	308- 57-240	AMD-P	01-05-106
296-800-35082	NEW	01-11-038	308- 29-110	NEW	01-11-132	308- 57-240	AMD-W	01-07-029
296-800-35084	NEW	01-11-038	308- 29-120	NEW-P	01-03-130	308- 57-240	AMD-P	01-08-051
296-800-360	NEW	01-11-038	308- 29-120	NEW	01-11-132	308- 57-240	AMD	01-12-099
296-800-36005	NEW	01-11-038	308- 32-100	REP	01-03-065	308- 57-500	REP-P	01-05-106
296-800-370	NEW	01-11-038	308- 32-110	REP	01-03-065	308- 57-500	REP-W	01-07-029
308- 08-085	AMD	01-03-129	308- 32-120	REP	01-03-065	308- 57-500	REP-P	01-08-051
308- 13-150	AMD	01-04-002	308- 56A-021	AMD-P	01-03-072	308- 57-500	REP	01-12-099
308- 13-150	PREP	01-09-026	308- 56A-021	AMD	01-08-022	308- 63-010	AMD	01-03-141
308- 13-150	AMD-P	01-12-063	308- 56A-065	AMD-P	01-03-072	308- 63-040	AMD	01-03-141
308- 15-010	NEW-P	01-07-101	308- 56A-065	AMD	01-08-022	308- 63-070	AMD	01-03-141
308- 15-010	NEW	01-12-023	308- 56A-150	PREP	01-11-083	308- 63-100	AMD	01-03-141
308- 15-020	NEW-P	01-07-101	308- 56A-310	AMD-P	01-03-072	308- 78-010	AMD-P	01-03-083
308- 15-020	NEW	01-12-023	308- 56A-310	AMD	01-08-022	308- 78-010	AMD	01-08-083
308- 15-030	NEW-P	01-07-101	308- 56A-335	AMD	01-03-002	308- 78-020	AMD-P	01-03-083
308- 15-030	NEW	01-12-023	308- 56A-355	REP	01-03-002	308- 78-020	AMD	01-08-083
308- 15-040	NEW-P	01-07-101	308- 56A-505	AMD-P	01-06-018	308- 78-030	AMD-P	01-03-083
308- 15-040	NEW	01-12-023	308- 56A-505	AMD	01-11-069	308- 78-030	AMD	01-08-083
308- 15-050	NEW-P	01-07-101	308- 57-005	AMD-P	01-05-106	308- 78-035	NEW-P	01-03-083
308- 15-050	NEW	01-12-023	308- 57-005	AMD-W	01-07-029	308- 78-035	NEW	01-08-083

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308- 78-040	AMD-P	01-03-083	308- 94-105	NEW-P	01-06-049	308- 96A-400	AMD-P	01-08-051
308- 78-040	AMD	01-08-083	308- 94-105	NEW	01-11-070	308- 96A-400	AMD	01-12-099
308- 78-045	AMD-P	01-03-083	308- 94A-020	AMD-P	01-08-050	308- 96A-410	REP-P	01-05-106
308- 78-045	AMD	01-08-083	308- 94A-025	AMD-P	01-08-050	308- 96A-410	REP-W	01-07-029
308- 78-046	NEW-P	01-03-083	308- 94A-030	AMD-P	01-08-050	308- 96A-410	REP-P	01-08-051
308- 78-046	NEW	01-08-083	308- 96A-005	AMD-P	01-08-050	308- 96A-410	REP	01-12-099
308- 78-060	REP-P	01-03-083	308- 96A-005	AMD-P	01-11-090	308- 96A-550	AMD-P	01-04-017
308- 78-060	REP	01-08-083	308- 96A-010	AMD-P	01-08-050	308- 96A-550	AMD	01-10-069
308- 78-070	AMD-P	01-03-083	308- 96A-015	AMD-P	01-08-050	308- 96A-560	AMD-P	01-04-017
308- 78-070	AMD	01-08-083	308- 96A-015	AMD-P	01-11-090	308- 96A-560	AMD	01-10-069
308- 78-075	NEW-P	01-03-083	308- 96A-026	AMD-P	01-11-090	308- 97-230	AMD-P	01-05-106
308- 78-075	NEW	01-08-083	308- 96A-065	AMD-P	01-04-017	308- 97-230	AMD-W	01-07-029
308- 78-080	AMD-P	01-03-083	308- 96A-065	AMD	01-10-069	308-100-140	AMD-P	01-04-075
308- 78-080	AMD	01-08-083	308- 96A-066	REP-P	01-04-017	308-100-140	AMD	01-09-062
308- 78-090	AMD-P	01-03-083	308- 96A-066	REP	01-10-069	308-124B-050	PREP	01-08-095
308- 78-090	AMD	01-08-083	308- 96A-067	REP-P	01-04-017	308-124H-061	PREP	01-08-096
308- 93	PREP	01-05-076	308- 96A-067	REP	01-10-069	308-390-100	NEW-P	01-07-084
308- 93-010	AMD	01-03-128	308- 96A-068	REP-P	01-04-017	308-390-100	NEW	01-10-056
308- 93-030	AMD	01-03-128	308- 96A-068	REP	01-10-069	308-390-101	NEW-P	01-07-084
308- 93-050	AMD	01-03-128	308- 96A-070	AMD-P	01-04-017	308-390-101	NEW	01-10-056
308- 93-055	AMD	01-03-128	308- 96A-070	AMD	01-10-069	308-390-102	NEW-P	01-07-084
308- 93-056	AMD	01-03-128	308- 96A-071	AMD-P	01-04-017	308-390-102	NEW	01-10-056
308- 93-060	AMD-P	01-03-017	308- 96A-071	AMD	01-10-069	308-390-103	NEW-P	01-07-084
308- 93-060	AMD	01-08-021	308- 96A-072	AMD-P	01-04-017	308-390-103	NEW	01-10-056
308- 93-069	AMD-P	01-03-017	308- 96A-072	AMD	01-10-069	308-390-104	NEW-P	01-07-084
308- 93-069	AMD	01-08-021	308- 96A-073	AMD-P	01-04-017	308-390-104	NEW	01-10-056
308- 93-070	AMD-P	01-03-017	308- 96A-073	AMD	01-10-069	308-390-105	NEW-P	01-07-084
308- 93-070	AMD	01-08-021	308- 96A-074	AMD-P	01-04-017	308-390-105	NEW	01-10-056
308- 93-071	AMD-P	01-03-017	308- 96A-074	AMD	01-10-069	308-390-106	NEW-P	01-07-084
308- 93-071	AMD	01-08-021	308- 96A-099	AMD-P	01-05-106	308-390-106	NEW	01-10-056
308- 93-073	REP-P	01-03-017	308- 96A-099	AMD-W	01-07-029	308-390-107	NEW-P	01-07-084
308- 93-073	REP	01-08-021	308- 96A-099	AMD-P	01-08-051	308-390-107	NEW	01-10-056
308- 93-078	AMD-P	01-03-017	308- 96A-099	AMD	01-12-099	308-390-108	NEW-P	01-07-084
308- 93-078	AMD	01-08-021	308- 96A-135	REP-P	01-05-106	308-390-108	NEW	01-10-056
308- 93-079	AMD	01-03-128	308- 96A-135	REP-W	01-07-029	308-390-109	NEW-P	01-07-084
308- 93-087	AMD-P	01-11-084	308- 96A-135	AMD-P	01-08-051	308-390-109	NEW	01-10-056
308- 93-088	AMD-P	01-11-084	308- 96A-135	AMD	01-12-099	308-390-200	NEW-P	01-07-084
308- 93-089	NEW-P	01-11-084	308- 96A-145	AMD-P	01-05-106	308-390-200	NEW	01-10-056
308- 93-090	AMD	01-03-128	308- 96A-145	AMD-W	01-07-029	308-390-201	NEW-P	01-07-084
308- 93-145	PREP	01-05-076	308- 96A-145	AMD-P	01-08-051	308-390-201	NEW	01-10-056
308- 93-145	AMD-P	01-08-052	308- 96A-145	AMD	01-12-099	308-390-202	NEW-P	01-07-084
308- 93-145	AMD	01-11-100	308- 96A-175	AMD-P	01-04-017	308-390-202	NEW	01-10-056
308- 93-160	AMD	01-03-128	308- 96A-175	AMD	01-10-069	308-390-203	NEW-P	01-07-084
308- 93-285	AMD-P	01-03-017	308- 96A-176	AMD-P	01-04-017	308-390-203	NEW	01-10-056
308- 93-285	AMD	01-08-021	308- 96A-176	AMD	01-10-069	308-390-204	NEW-P	01-07-084
308- 93-350	AMD-P	01-03-017	308- 96A-177	NEW-P	01-04-017	308-390-204	NEW	01-10-056
308- 93-350	AMD	01-08-021	308- 96A-177	NEW	01-10-069	308-390-300	NEW-P	01-07-084
308- 93-360	AMD-P	01-03-017	308- 96A-202	AMD-P	01-05-106	308-390-300	NEW	01-10-056
308- 93-360	AMD	01-08-021	308- 96A-202	AMD-W	01-07-029	308-390-301	NEW-P	01-07-084
308- 93-390	AMD-P	01-03-072	308- 96A-202	AMD-P	01-08-051	308-390-301	NEW	01-10-056
308- 93-390	AMD	01-08-022	308- 96A-202	AMD	01-12-099	308-390-302	NEW-P	01-07-084
308- 93-640	AMD-P	01-03-017	308- 96A-203	AMD-P	01-05-106	308-390-302	NEW	01-10-056
308- 93-640	AMD	01-08-021	308- 96A-203	AMD-W	01-07-029	308-390-303	NEW-P	01-07-084
308- 93-660	REP-P	01-11-084	308- 96A-203	AMD-P	01-08-051	308-390-303	NEW	01-10-056
308- 94-030	AMD-P	01-06-049	308- 96A-203	AMD	01-12-099	308-390-304	NEW-P	01-07-084
308- 94-030	AMD	01-11-070	308- 96A-260	AMD-P	01-11-090	308-390-304	NEW	01-10-056
308- 94-050	AMD-P	01-06-049	308- 96A-295	AMD-P	01-04-062	308-390-305	NEW-P	01-07-084
308- 94-050	AMD	01-11-070	308- 96A-295	AMD	01-09-079	308-390-305	NEW	01-10-056
308- 94-080	AMD-P	01-06-049	308- 96A-300	AMD-P	01-11-090	308-390-306	NEW-P	01-07-084
308- 94-080	AMD	01-11-070	308- 96A-345	REP-P	01-11-090	308-390-306	NEW	01-10-056
308- 94-100	AMD-P	01-06-049	308- 96A-400	AMD-P	01-05-106	308-390-307	NEW-P	01-07-084
308- 94-100	AMD	01-11-070	308- 96A-400	AMD-W	01-07-029	308-390-307	NEW	01-10-056

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
308-390-308	NEW-P	01-07-084	308-400-060	REP	01-10-056	314- 08-160	REP-S	01-06-062
308-390-308	NEW	01-10-056	308-400-062	REP-P	01-07-084	314- 08-160	REP	01-11-058
308-390-309	NEW-P	01-07-084	308-400-062	REP	01-10-056	314- 08-170	REP-S	01-06-062
308-390-309	NEW	01-10-056	308-400-080	REP-P	01-07-084	314- 08-170	REP	01-11-058
308-390-310	NEW-P	01-07-084	308-400-080	REP	01-10-056	314- 08-180	REP-S	01-06-062
308-390-310	NEW	01-10-056	308-400-092	REP-P	01-07-084	314- 08-180	REP	01-11-058
308-390-311	NEW-P	01-07-084	308-400-092	REP	01-10-056	314- 08-190	REP-S	01-06-062
308-390-311	NEW	01-10-056	308-400-095	REP-P	01-07-084	314- 08-190	REP	01-11-058
308-390-312	NEW-P	01-07-084	308-400-095	REP	01-10-056	314- 08-200	REP-S	01-06-062
308-390-312	NEW	01-10-056	308-400-100	REP-P	01-07-084	314- 08-200	REP	01-11-058
308-390-313	NEW-P	01-07-084	308-400-100	REP	01-10-056	314- 08-210	REP-S	01-06-062
308-390-313	NEW	01-10-056	308-400-110	REP-P	01-07-084	314- 08-210	REP	01-11-058
308-390-314	NEW-P	01-07-084	308-400-110	REP	01-10-056	314- 08-220	REP-S	01-06-062
308-390-314	NEW	01-10-056	308-400-120	REP-P	01-07-084	314- 08-220	REP	01-11-058
308-390-315	NEW-P	01-07-084	308-400-120	REP	01-10-056	314- 08-230	REP-S	01-06-062
308-390-315	NEW	01-10-056	308-410	REP-P	01-07-084	314- 08-230	REP	01-11-058
308-390-400	NEW-P	01-07-084	308-410-010	REP-P	01-07-084	314- 08-240	REP-S	01-06-062
308-390-400	NEW	01-10-056	308-410-010	REP	01-10-056	314- 08-240	REP	01-11-058
308-390-401	NEW-P	01-07-084	308-410-020	REP-P	01-07-084	314- 08-250	REP-S	01-06-062
308-390-401	NEW	01-10-056	308-410-020	REP	01-10-056	314- 08-250	REP	01-11-058
308-390-402	NEW-P	01-07-084	308-410-030	REP-P	01-07-084	314- 08-260	REP-S	01-06-062
308-390-402	NEW	01-10-056	308-410-030	REP	01-10-056	314- 08-260	REP	01-11-058
308-390-403	NEW-P	01-07-084	308-410-040	REP-P	01-07-084	314- 08-270	REP-S	01-06-062
308-390-403	NEW	01-10-056	308-410-040	REP	01-10-056	314- 08-270	REP	01-11-058
308-390-500	NEW-P	01-07-084	308-410-060	REP-P	01-07-084	314- 08-280	REP-S	01-06-062
308-390-500	NEW	01-10-056	308-410-060	REP	01-10-056	314- 08-280	REP	01-11-058
308-390-501	NEW-P	01-07-084	308-410-070	REP-P	01-07-084	314- 08-290	REP-S	01-06-062
308-390-501	NEW	01-10-056	308-410-070	REP	01-10-056	314- 08-290	REP	01-11-058
308-390-502	NEW-P	01-07-084	314- 01-005	NEW	01-06-016	314- 08-300	REP-S	01-06-062
308-390-502	NEW	01-10-056	314- 04-005	REP	01-03-086	314- 08-300	REP	01-11-058
308-390-503	NEW-P	01-07-084	314- 04-006	REP	01-03-086	314- 08-310	REP-S	01-06-062
308-390-503	NEW	01-10-056	314- 04-007	REP	01-03-086	314- 08-310	REP	01-11-058
308-390-504	NEW-P	01-07-084	314- 08-001	REP-S	01-06-062	314- 08-320	REP-S	01-06-062
308-390-504	NEW	01-10-056	314- 08-001	REP	01-11-058	314- 08-320	REP	01-11-058
308-390-505	NEW-P	01-07-084	314- 08-010	REP-S	01-06-062	314- 08-330	REP-S	01-06-062
308-390-505	NEW	01-10-056	314- 08-010	REP	01-11-058	314- 08-330	REP	01-11-058
308-390-600	NEW-P	01-07-084	314- 08-020	REP-S	01-06-062	314- 08-340	REP-S	01-06-062
308-390-600	NEW	01-10-056	314- 08-020	REP	01-11-058	314- 08-340	REP	01-11-058
308-390-601	NEW-P	01-07-084	314- 08-030	REP-S	01-06-062	314- 08-350	REP-S	01-06-062
308-390-601	NEW	01-10-056	314- 08-030	REP	01-11-058	314- 08-350	REP	01-11-058
308-390-602	NEW-P	01-07-084	314- 08-040	REP-S	01-06-062	314- 08-360	REP-S	01-06-062
308-390-602	NEW	01-10-056	314- 08-040	REP	01-11-058	314- 08-360	REP	01-11-058
308-390-603	NEW-P	01-07-084	314- 08-050	REP-S	01-06-062	314- 08-370	REP-S	01-06-062
308-390-603	NEW	01-10-056	314- 08-050	REP	01-11-058	314- 08-370	REP	01-11-058
308-400	REP-P	01-07-084	314- 08-070	REP-S	01-06-062	314- 08-380	REP-S	01-06-062
308-400-010	REP-P	01-07-084	314- 08-070	REP	01-11-058	314- 08-380	REP	01-11-058
308-400-010	REP	01-10-056	314- 08-080	REP-S	01-06-062	314- 08-390	REP-S	01-06-062
308-400-020	REP-P	01-07-084	314- 08-080	REP	01-11-058	314- 08-390	REP	01-11-058
308-400-020	REP	01-10-056	314- 08-090	REP-S	01-06-062	314- 08-400	REP-S	01-06-062
308-400-025	REP-P	01-07-084	314- 08-090	REP	01-11-058	314- 08-400	REP	01-11-058
308-400-025	REP	01-10-056	314- 08-100	REP-S	01-06-062	314- 08-410	REP-S	01-06-062
308-400-030	REP-P	01-07-084	314- 08-100	REP	01-11-058	314- 08-410	REP	01-11-058
308-400-030	REP	01-10-056	314- 08-110	REP-S	01-06-062	314- 08-415	REP-S	01-06-062
308-400-053	REP-P	01-07-084	314- 08-110	REP	01-11-058	314- 08-415	REP	01-11-058
308-400-053	REP	01-10-056	314- 08-120	REP-S	01-06-062	314- 08-420	REP-S	01-06-062
308-400-056	REP-P	01-07-084	314- 08-120	REP	01-11-058	314- 08-420	REP	01-11-058
308-400-056	REP	01-10-056	314- 08-130	REP-S	01-06-062	314- 08-430	REP-S	01-06-062
308-400-058	REP-P	01-07-084	314- 08-130	REP	01-11-058	314- 08-430	REP	01-11-058
308-400-058	REP	01-10-056	314- 08-140	REP-S	01-06-062	314- 08-440	REP-S	01-06-062
308-400-059	REP-P	01-07-084	314- 08-140	REP	01-11-058	314- 08-440	REP	01-11-058
308-400-059	REP	01-10-056	314- 08-150	REP-S	01-06-062	314- 08-450	REP-S	01-06-062
308-400-060	REP-P	01-07-084	314- 08-150	REP	01-11-058	314- 08-450	REP	01-11-058

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
314- 08-460	REP-S	01-06-062	314- 13-020	NEW	01-06-015	314- 29-010	NEW	01-03-086
314- 08-460	REP	01-11-058	314- 13-025	NEW	01-06-015	314- 42-010	PREP	01-06-061
314- 08-470	REP-S	01-06-062	314- 13-030	NEW	01-06-015	314- 42-010	AMD-P	01-11-059
314- 08-470	REP	01-11-058	314- 13-040	NEW	01-06-015	314- 42-020	NEW-S	01-06-062
314- 08-480	REP-S	01-06-062	314- 14-010	REP	01-03-085	314- 42-020	NEW	01-11-058
314- 08-480	REP	01-11-058	314- 14-020	REP	01-03-085	314- 42-025	NEW-S	01-06-062
314- 08-490	REP-S	01-06-062	314- 14-030	REP	01-03-085	314- 42-025	NEW	01-11-058
314- 08-490	REP	01-11-058	314- 14-040	REP	01-03-085	314- 42-030	NEW-S	01-06-062
314- 08-500	REP-S	01-06-062	314- 14-050	REP	01-03-085	314- 42-030	NEW	01-11-058
314- 08-500	REP	01-11-058	314- 14-060	REP	01-03-085	314- 42-040	NEW-S	01-06-062
314- 08-510	REP-S	01-06-062	314- 14-070	REP	01-03-085	314- 42-040	NEW	01-11-058
314- 08-510	REP	01-11-058	314- 14-080	REP	01-03-085	314- 42-045	NEW-S	01-06-062
314- 08-520	REP-S	01-06-062	314- 14-090	REP	01-03-085	314- 42-045	NEW	01-11-058
314- 08-520	REP	01-11-058	314- 14-100	REP	01-03-085	314- 42-050	NEW-S	01-06-062
314- 08-530	REP-S	01-06-062	314- 14-110	REP	01-03-085	314- 42-050	NEW	01-11-058
314- 08-530	REP	01-11-058	314- 14-120	REP	01-03-085	314- 42-055	NEW-W	01-11-075
314- 08-540	REP-S	01-06-062	314- 14-130	REP	01-03-085	314- 42-060	NEW-S	01-06-062
314- 08-540	REP	01-11-058	314- 14-140	REP	01-03-085	314- 42-060	NEW	01-11-058
314- 08-550	REP-S	01-06-062	314- 14-150	REP	01-03-085	314- 42-065	NEW-S	01-06-062
314- 08-550	REP	01-11-058	314- 14-160	REP	01-03-085	314- 42-065	NEW	01-11-058
314- 08-560	REP-S	01-06-062	314- 14-165	REP	01-03-085	314- 42-070	NEW-S	01-06-062
314- 08-560	REP	01-11-058	314- 14-170	REP	01-03-085	314- 42-070	NEW	01-11-058
314- 08-570	REP-S	01-06-062	314- 16-020	AMD	01-06-014	314- 42-075	NEW-S	01-06-062
314- 08-570	REP	01-11-058	314- 16-025	REP	01-06-014	314- 42-075	NEW	01-11-058
314- 08-580	REP-S	01-06-062	314- 16-030	REP	01-06-014	314- 42-080	NEW-S	01-06-062
314- 08-580	REP	01-11-058	314- 16-040	AMD	01-06-014	314- 42-080	NEW	01-11-058
314- 08-590	REP-S	01-06-062	314- 16-050	REP	01-06-014	314- 42-085	NEW-S	01-06-062
314- 08-590	REP	01-11-058	314- 16-060	REP	01-06-014	314- 42-085	NEW	01-11-058
314- 09-005	NEW	01-03-087	314- 16-070	REP	01-06-014	314- 42-090	NEW-S	01-06-062
314- 09-010	NEW	01-03-087	314- 16-075	REP	01-06-014	314- 42-090	NEW	01-11-058
314- 09-015	NEW	01-03-087	314- 16-090	REP	01-06-014	314- 42-100	NEW-S	01-06-062
314- 10-020	REP	01-06-014	314- 16-120	REP	01-06-014	314- 42-100	NEW	01-11-058
314- 11-005	NEW	01-06-014	314- 16-122	REP	01-06-014	314- 42-105	NEW-S	01-06-062
314- 11-015	NEW	01-06-014	314- 16-125	REP	01-06-014	314- 42-105	NEW	01-11-058
314- 11-020	NEW	01-06-014	314- 16-145	REP	01-06-014	314- 70-020	REP	01-06-014
314- 11-025	NEW	01-06-014	314- 16-150	REP-W	01-12-082	314- 70-040	REP	01-06-014
314- 11-030	NEW	01-06-014	314- 16-160	AMD	01-06-014	314- 70-050	REP	01-06-014
314- 11-035	NEW	01-06-014	314- 17-005	NEW	01-03-085	315- 04-085	NEW-S	01-08-037
314- 11-040	NEW	01-06-014	314- 17-010	NEW	01-03-085	315- 04-085	NEW	01-12-039
314- 11-045	NEW	01-06-014	314- 17-015	NEW	01-03-085	315- 06-040	PREP	01-04-040
314- 11-050	NEW	01-06-014	314- 17-020	NEW	01-03-085	315- 06-040	AMD-P	01-08-038
314- 11-055	NEW	01-06-014	314- 17-025	NEW	01-03-085	315- 06-040	AMD	01-12-040
314- 11-060	NEW	01-06-014	314- 17-030	NEW	01-03-085	315- 34	PREP	01-07-013
314- 11-065	NEW	01-06-014	314- 17-035	NEW	01-03-085	315- 34-040	AMD-P	01-11-082
314- 11-070	NEW	01-06-014	314- 17-040	NEW	01-03-085	315- 34-050	AMD-P	01-11-082
314- 11-080	NEW	01-06-014	314- 17-045	NEW	01-03-085	315- 34-057	AMD-P	01-11-082
314- 11-085	NEW	01-06-014	314- 17-050	NEW	01-03-085	315- 36	PREP	01-07-004
314- 11-090	NEW	01-06-014	314- 17-055	NEW	01-03-085	315- 36-010	AMD-P	01-11-081
314- 11-095	NEW	01-06-014	314- 17-060	NEW	01-03-085	315- 36-030	AMD-P	01-11-081
314- 11-100	NEW	01-06-014	314- 17-065	NEW	01-03-085	315- 36-050	AMD-P	01-11-081
314- 11-105	NEW	01-06-014	314- 17-070	NEW	01-03-085	315- 36-090	AMD-P	01-11-081
314- 11-110	NEW	01-06-014	314- 17-075	NEW	01-03-085	315- 36-110	AMD-P	01-11-081
314- 12-020	AMD	01-03-087	314- 17-080	NEW	01-03-085	317- 21-010	REP	01-05-036
314- 12-115	REP	01-06-014	314- 17-085	NEW	01-03-085	317- 21-020	REP	01-05-036
314- 12-120	REP	01-06-014	314- 17-090	NEW	01-03-085	317- 21-030	REP	01-05-036
314- 12-125	REP	01-06-014	314- 17-095	NEW	01-03-085	317- 21-040	REP	01-05-036
314- 12-130	REP	01-06-014	314- 17-100	NEW	01-03-085	317- 21-050	REP	01-05-036
314- 12-140	AMD	01-06-015	314- 17-105	NEW	01-03-085	317- 21-060	REP	01-05-036
314- 12-195	REP	01-06-014	314- 17-110	NEW	01-03-085	317- 21-070	REP	01-05-036
314- 13-005	NEW	01-06-015	314- 17-115	NEW	01-03-085	317- 21-100	REP	01-05-036
314- 13-010	NEW	01-06-015	314- 24-170	REP	01-06-015	317- 21-110	REP	01-05-036
314- 13-015	NEW	01-06-015	314- 29-005	NEW	01-03-086	317- 21-120	REP	01-05-036

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
317- 21-140	REP	01-05-036	356- 46-150	NEW-P	01-08-062	388- 11-143	REP	01-03-089
317- 21-300	REP	01-05-036	356- 46-150	NEW	01-11-113	388- 11-145	REP	01-03-089
317- 21-305	REP	01-05-036	356- 49-040	AMD-C	01-02-089	388- 11-150	REP	01-03-089
317- 21-310	REP	01-05-036	356- 49-040	AMD	01-07-057	388- 11-155	REP	01-03-089
317- 21-315	REP	01-05-036	356- 56-210	AMD	01-03-003	388- 11-170	REP	01-03-089
317- 21-320	REP	01-05-036	356- 56-220	AMD	01-03-003	388- 11-180	REP	01-03-089
317- 21-325	REP	01-05-036	363-116-185	AMD-P	01-10-072	388- 11-205	REP	01-03-089
317- 21-330	REP	01-05-036	363-116-300	AMD-P	01-08-081	388- 11-210	REP	01-03-089
317- 21-335	REP	01-05-036	363-116-300	AMD	01-12-032	388- 11-215	REP	01-03-089
317- 21-340	REP	01-05-036	365-120-080	PREP	01-11-137	388- 11-220	REP	01-03-089
317- 21-345	REP	01-05-036	365-195-900	AMD-P	01-03-166	388- 11-280	REP	01-03-089
317- 21-400	REP	01-05-036	365-195-900	AMD	01-08-056	388- 11-300	REP	01-03-089
317- 21-410	REP	01-05-036	365-197-010	NEW-P	01-03-165	388- 11-305	REP	01-03-089
317- 21-500	REP	01-05-036	365-197-020	NEW-P	01-03-165	388- 11-310	REP	01-03-089
317- 21-510	REP	01-05-036	365-197-030	NEW-P	01-03-165	388- 11-320	REP	01-03-089
317- 21-520	REP	01-05-036	365-197-040	NEW-P	01-03-165	388- 11-325	REP	01-03-089
317- 21-530	REP	01-05-036	365-197-050	NEW-P	01-03-165	388- 11-330	REP	01-03-089
317- 21-550	REP	01-05-036	365-197-060	NEW-P	01-03-165	388- 11-335	REP	01-03-089
317- 21-560	REP	01-05-036	365-197-070	NEW-P	01-03-165	388- 11-340	REP	01-03-089
317- 21-900	REP	01-05-036	365-197-080	NEW-P	01-03-165	388- 13-010	REP	01-03-089
317- 21-910	REP	01-05-036	388- 05-0001	NEW-P	01-08-077	388- 13-020	REP	01-03-089
332- 10-020	AMD-P	01-04-061	388- 05-0001	NEW	01-12-071	388- 13-030	REP	01-03-089
332- 10-020	AMD	01-07-049	388- 05-0005	NEW-P	01-08-077	388- 13-040	REP	01-03-089
332- 10-040	AMD-P	01-04-061	388- 05-0005	NEW	01-12-071	388- 13-050	REP	01-03-089
332- 10-040	AMD	01-07-049	388- 05-0010	NEW-P	01-08-077	388- 13-060	REP	01-03-089
332- 30	PREP	01-10-068	388- 05-0010	NEW	01-12-071	388- 13-070	REP	01-03-089
352	PREP	01-12-077	388- 06-0010	NEW-P	01-10-062	388- 13-085	REP	01-03-089
356- 06-045	AMD-C	01-02-088	388- 06-0020	NEW-P	01-10-062	388- 13-090	REP	01-03-089
356- 06-045	AMD	01-07-055	388- 06-0100	NEW-P	01-10-062	388- 13-100	REP	01-03-089
356- 10-040	AMD-C	01-02-089	388- 06-0110	NEW-P	01-10-062	388- 13-110	REP	01-03-089
356- 10-040	AMD	01-07-057	388- 06-0120	NEW-P	01-10-062	388- 13-120	REP	01-03-089
356- 14-067	AMD-C	01-02-089	388- 06-0130	NEW-P	01-10-062	388- 14-010	REP	01-03-089
356- 14-067	AMD	01-07-057	388- 06-0140	NEW-P	01-10-062	388- 14-020	REP	01-03-089
356- 14-075	AMD-C	01-02-089	388- 06-0150	NEW-P	01-10-062	388- 14-030	REP	01-03-089
356- 14-075	AMD	01-07-057	388- 06-0160	NEW-P	01-10-062	388- 14-035	REP	01-03-089
356- 14-085	AMD-C	01-02-089	388- 06-0170	NEW-P	01-10-062	388- 14-040	REP	01-03-089
356- 14-085	AMD	01-07-057	388- 06-0180	NEW-P	01-10-062	388- 14-045	REP	01-03-089
356- 14-110	AMD-C	01-02-089	388- 06-0190	NEW-P	01-10-062	388- 14-050	REP	01-03-089
356- 14-110	AMD	01-07-057	388- 06-0200	NEW-P	01-10-062	388- 14-100	REP	01-03-089
356- 14-120	AMD-C	01-02-089	388- 06-0210	NEW-P	01-10-062	388- 14-200	REP	01-03-089
356- 14-120	AMD	01-07-057	388- 06-0220	NEW-P	01-10-062	388- 14-201	REP	01-03-089
356- 15-125	AMD-E	01-04-051	388- 06-0230	NEW-P	01-10-062	388- 14-202	REP	01-03-089
356- 15-125	AMD-P	01-04-079	388- 06-0240	NEW-P	01-10-062	388- 14-203	REP	01-03-089
356- 15-125	AMD	01-08-005	388- 06-0250	NEW-P	01-10-062	388- 14-205	REP	01-03-089
356- 15-140	AMD-C	01-02-089	388- 06-0260	NEW-P	01-10-062	388- 14-210	REP	01-03-089
356- 15-140	AMD	01-07-057	388- 06-0500	NEW-P	01-10-064	388- 14-220	REP	01-03-089
356- 18-140	AMD-C	01-02-089	388- 06-0510	NEW-P	01-10-064	388- 14-250	REP	01-03-089
356- 18-140	AMD	01-07-057	388- 06-0520	NEW-P	01-10-064	388- 14-260	REP	01-03-089
356- 18-220	AMD-C	01-02-089	388- 06-0525	NEW-P	01-10-064	388- 14-270	REP	01-03-089
356- 18-220	AMD	01-07-057	388- 06-0530	NEW-P	01-10-064	388- 14-271	REP	01-03-089
356- 22-160	AMD-P	01-12-074	388- 06-0535	NEW-P	01-10-064	388- 14-272	REP	01-03-089
356- 22-170	REP-P	01-12-074	388- 06-0540	NEW-P	01-10-064	388- 14-273	REP	01-03-089
356- 22-220	AMD-W	01-07-056	388- 11-011	REP	01-03-089	388- 14-274	REP	01-03-089
356- 26-040	AMD-P	01-12-075	388- 11-015	REP	01-03-089	388- 14-276	REP	01-03-089
356- 30-260	AMD-P	01-12-076	388- 11-045	REP	01-03-089	388- 14-300	REP	01-03-089
356- 30-305	AMD-P	01-12-076	388- 11-048	REP	01-03-089	388- 14-310	REP	01-03-089
356- 30-320	AMD-C	01-02-088	388- 11-065	REP	01-03-089	388- 14-350	REP	01-03-089
356- 30-320	AMD	01-07-055	388- 11-067	REP	01-03-089	388- 14-360	REP	01-03-089
356- 30-331	AMD-C	01-02-088	388- 11-100	REP	01-03-089	388- 14-365	REP	01-03-089
356- 30-331	AMD	01-07-055	388- 11-120	REP	01-03-089	388- 14-370	REP	01-03-089
356- 30-331	AMD-P	01-08-062	388- 11-135	REP	01-03-089	388- 14-376	REP	01-03-089
356- 30-331	AMD	01-11-113	388- 11-140	REP	01-03-089	388- 14-385	REP	01-03-089

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388- 70-012	REP	01-08-047	388- 71-0546	NEW	01-11-019	388- 73-024	REP-P	01-12-101
388- 70-013	REP	01-08-047	388- 71-0550	REP-P	01-07-045	388- 73-026	REP-W	01-08-064
388- 70-022	REP	01-08-047	388- 71-0550	REP	01-11-019	388- 73-026	REP-P	01-12-101
388- 70-024	REP	01-08-047	388- 71-0551	NEW-P	01-07-045	388- 73-028	REP-W	01-08-064
388- 70-031	REP	01-08-047	388- 71-0551	NEW	01-11-019	388- 73-028	REP-P	01-12-101
388- 70-032	REP	01-08-047	388- 71-0555	REP-P	01-07-045	388- 73-030	REP-W	01-08-064
388- 70-033	REP	01-08-047	388- 71-0555	REP	01-11-019	388- 73-030	REP-P	01-12-101
388- 70-034	REP	01-08-047	388- 71-0556	NEW-P	01-07-045	388- 73-032	REP-W	01-08-064
388- 70-035	REP	01-08-047	388- 71-0556	NEW	01-11-019	388- 73-032	REP-P	01-12-101
388- 70-036	REP	01-08-047	388- 71-0560	AMD-P	01-07-045	388- 73-034	REP-W	01-08-064
388- 70-037	REP	01-08-047	388- 71-0560	AMD	01-11-019	388- 73-034	REP-P	01-12-101
388- 70-041	REP	01-08-047	388- 71-0580	AMD-P	01-07-045	388- 73-036	REP-W	01-08-064
388- 70-042	REP	01-08-047	388- 71-0580	AMD	01-11-019	388- 73-036	REP-P	01-12-101
388- 70-044	REP	01-08-047	388- 71-0605	AMD-P	01-03-155	388- 73-038	REP-W	01-08-064
388- 70-048	REP	01-08-047	388- 71-0613	NEW-P	01-03-155	388- 73-038	REP-P	01-12-101
388- 70-051	REP	01-08-047	388- 71-0900	NEW-P	01-07-044	388- 73-040	REP-W	01-08-064
388- 70-054	REP	01-08-047	388- 71-0900	NEW	01-11-018	388- 73-040	REP-P	01-12-101
388- 70-058	REP	01-08-047	388- 71-0905	NEW-P	01-07-044	388- 73-042	REP-W	01-08-064
388- 70-062	REP	01-08-047	388- 71-0905	NEW	01-11-018	388- 73-042	REP-P	01-12-101
388- 70-066	REP	01-08-047	388- 71-0910	NEW-P	01-07-044	388- 73-044	REP-W	01-08-064
388- 70-068	REP	01-08-047	388- 71-0910	NEW	01-11-018	388- 73-044	REP-P	01-12-101
388- 70-069	REP	01-08-047	388- 71-0915	NEW-P	01-07-044	388- 73-046	REP-W	01-08-064
388- 70-075	REP	01-08-047	388- 71-0915	NEW	01-11-018	388- 73-046	REP-P	01-12-101
388- 70-078	REP	01-08-047	388- 71-0920	NEW-P	01-07-044	388- 73-048	REP-W	01-08-064
388- 70-080	REP	01-08-047	388- 71-0920	NEW	01-11-018	388- 73-048	REP-P	01-12-101
388- 70-082	REP	01-08-047	388- 71-0925	NEW-P	01-07-044	388- 73-050	REP-W	01-08-064
388- 70-084	REP	01-08-047	388- 71-0925	NEW	01-11-018	388- 73-050	REP-P	01-12-101
388- 70-170	REP	01-08-047	388- 71-0930	NEW-P	01-07-044	388- 73-052	REP-W	01-08-064
388- 70-410	REP	01-08-047	388- 71-0930	NEW	01-11-018	388- 73-052	REP-P	01-12-101
388- 70-420	REP	01-08-047	388- 71-0935	NEW-P	01-07-044	388- 73-054	REP-W	01-08-064
388- 70-430	REP	01-08-047	388- 71-0935	NEW	01-11-018	388- 73-054	REP-P	01-12-101
388- 70-440	REP	01-08-047	388- 71-0940	NEW-P	01-07-044	388- 73-056	REP-W	01-08-064
388- 70-460	REP	01-08-047	388- 71-0940	NEW	01-11-018	388- 73-056	REP-P	01-12-101
388- 70-470	REP	01-08-047	388- 71-0945	NEW-P	01-07-044	388- 73-057	REP-W	01-08-064
388- 70-480	REP	01-08-047	388- 71-0945	NEW	01-11-018	388- 73-057	REP-P	01-12-101
388- 70-510	REP	01-08-045	388- 71-0950	NEW-P	01-07-044	388- 73-058	REP-W	01-08-064
388- 70-520	REP	01-08-045	388- 71-0950	NEW	01-11-018	388- 73-058	REP-P	01-12-101
388- 70-530	REP	01-08-045	388- 71-0955	NEW-P	01-07-044	388- 73-060	REP-W	01-08-064
388- 70-540	REP	01-08-045	388- 71-0955	NEW	01-11-018	388- 73-060	REP-P	01-12-101
388- 70-550	REP	01-08-045	388- 71-0960	NEW-P	01-07-044	388- 73-062	REP-W	01-08-064
388- 70-560	REP	01-08-045	388- 71-0960	NEW	01-11-018	388- 73-062	REP-P	01-12-101
388- 70-570	REP	01-08-045	388- 71-0965	NEW-P	01-07-044	388- 73-064	REP-W	01-08-064
388- 70-580	REP	01-08-045	388- 71-0965	NEW	01-11-018	388- 73-064	REP-P	01-12-101
388- 70-590	REP	01-08-045	388- 73-010	REP-W	01-08-064	388- 73-066	REP-W	01-08-064
388- 70-595	REP	01-08-045	388- 73-010	REP-P	01-12-101	388- 73-066	REP-P	01-12-101
388- 70-700	REP	01-08-047	388- 73-012	REP-W	01-08-064	388- 73-068	REP-W	01-08-064
388- 71	PREP	01-11-095	388- 73-012	REP-P	01-12-101	388- 73-068	REP-P	01-12-101
388- 71-0500	AMD-P	01-07-045	388- 73-014	REP-W	01-08-064	388- 73-069	REP-W	01-08-064
388- 71-0500	AMD	01-11-019	388- 73-014	REP-P	01-12-101	388- 73-069	REP-P	01-12-101
388- 71-0505	AMD-P	01-07-045	388- 73-016	REP-W	01-08-064	388- 73-070	REP-W	01-08-064
388- 71-0505	AMD	01-11-019	388- 73-016	REP-P	01-12-101	388- 73-070	REP-P	01-12-101
388- 71-0510	AMD-P	01-07-045	388- 73-018	REP-W	01-08-064	388- 73-072	REP-W	01-08-064
388- 71-0510	AMD	01-11-019	388- 73-018	REP-P	01-12-101	388- 73-072	REP-P	01-12-101
388- 71-0513	NEW-P	01-07-045	388- 73-019	REP-W	01-08-064	388- 73-074	REP-W	01-08-064
388- 71-0513	NEW	01-11-019	388- 73-019	REP-P	01-12-101	388- 73-074	REP-P	01-12-101
388- 71-0515	AMD-P	01-07-045	388- 73-01950	REP-W	01-08-064	388- 73-076	REP-W	01-08-064
388- 71-0515	AMD	01-11-019	388- 73-01950	REP-P	01-12-101	388- 73-076	REP-P	01-12-101
388- 71-0540	AMD-P	01-07-045	388- 73-020	REP-W	01-08-064	388- 73-077	REP-W	01-08-064
388- 71-0540	AMD	01-11-019	388- 73-020	REP-P	01-12-101	388- 73-077	REP-P	01-12-101
388- 71-0545	REP-P	01-07-045	388- 73-022	REP-W	01-08-064	388- 73-078	REP-W	01-08-064
388- 71-0545	REP	01-11-019	388- 73-022	REP-P	01-12-101	388- 73-078	REP-P	01-12-101
388- 71-0546	NEW-P	01-07-045	388- 73-024	REP-W	01-08-064	388- 73-080	REP-W	01-08-064

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-73-804	REP-P	01-12-101	388-96-740	AMD-P	01-06-057	388-148-0055	NEW-W	01-08-064
388-73-805	REP-W	01-08-064	388-96-740	AMD	01-12-037	388-148-0055	NEW-P	01-12-101
388-73-805	REP-P	01-12-101	388-96-776	AMD-P	01-06-057	388-148-0060	NEW-W	01-08-064
388-73-810	REP-W	01-08-064	388-96-776	AMD	01-12-037	388-148-0060	NEW-P	01-12-101
388-73-810	REP-P	01-12-101	388-96-777	AMD-P	01-06-057	388-148-0065	NEW-W	01-08-064
388-73-815	REP-W	01-08-064	388-96-777	AMD	01-12-037	388-148-0065	NEW-P	01-12-101
388-73-815	REP-P	01-12-101	388-96-780	AMD-P	01-06-057	388-148-0070	NEW-W	01-08-064
388-73-820	REP-W	01-08-064	388-96-780	AMD	01-12-037	388-148-0070	NEW-P	01-12-101
388-73-820	REP-P	01-12-101	388-96-802	NEW-P	01-06-057	388-148-0075	NEW-W	01-08-064
388-73-821	REP-W	01-08-064	388-96-802	NEW	01-12-037	388-148-0075	NEW-P	01-12-101
388-73-821	REP-P	01-12-101	388-96-803	NEW-P	01-06-057	388-148-0080	NEW-W	01-08-064
388-73-822	REP-W	01-08-064	388-96-803	NEW	01-12-037	388-148-0080	NEW-P	01-12-101
388-73-822	REP-P	01-12-101	388-96-901	AMD-P	01-06-057	388-148-0085	NEW-W	01-08-064
388-73-823	REP-W	01-08-064	388-96-901	AMD	01-12-037	388-148-0085	NEW-P	01-12-101
388-73-823	REP-P	01-12-101	388-105-0005	NEW-P	01-10-103	388-148-0090	NEW-W	01-08-064
388-73-825	REP-W	01-08-064	388-105-0010	NEW-P	01-10-103	388-148-0090	NEW-P	01-12-101
388-73-825	REP-P	01-12-101	388-105-0015	NEW-P	01-10-103	388-148-0095	NEW-W	01-08-064
388-73-900	REP-W	01-08-064	388-105-0020	NEW-P	01-10-103	388-148-0095	NEW-P	01-12-101
388-73-900	REP-P	01-12-101	388-105-0025	NEW-P	01-10-103	388-148-0100	NEW-W	01-08-064
388-73-901	REP-W	01-08-064	388-146-0010	NEW-W	01-07-071	388-148-0100	NEW-P	01-12-101
388-73-901	REP-P	01-12-101	388-146-0020	NEW-W	01-07-071	388-148-0105	NEW-W	01-08-064
388-73-902	REP-W	01-08-064	388-146-0030	NEW-W	01-07-071	388-148-0105	NEW-P	01-12-101
388-73-902	REP-P	01-12-101	388-146-0040	NEW-W	01-07-071	388-148-0110	NEW-W	01-08-064
388-73-904	REP-W	01-08-064	388-146-0045	NEW-W	01-07-071	388-148-0110	NEW-P	01-12-101
388-73-904	REP-P	01-12-101	388-146-0050	NEW-W	01-07-071	388-148-0115	NEW-W	01-08-064
388-74-010	REP	01-06-041	388-146-0060	NEW-W	01-07-071	388-148-0115	NEW-P	01-12-101
388-74-030	REP	01-06-041	388-146-0070	NEW-W	01-07-071	388-148-0120	NEW-W	01-08-064
388-86-071	REP	01-05-040	388-146-0080	NEW-W	01-07-071	388-148-0120	NEW-P	01-12-101
388-86-085	REP	01-06-029	388-146-0090	NEW-W	01-07-071	388-148-0125	NEW-W	01-08-064
388-86-086	REP	01-03-084	388-146-0100	NEW-W	01-07-071	388-148-0125	NEW-P	01-12-101
388-86-100	REP-W	01-03-001	388-146-0110	NEW-W	01-07-071	388-148-0130	NEW-W	01-08-064
388-86-100	REP	01-06-028	388-146-0120	NEW-W	01-07-071	388-148-0130	NEW-P	01-12-101
388-87-027	REP	01-06-032	388-146-0130	NEW-W	01-07-071	388-148-0135	NEW-W	01-08-064
388-87-035	REP	01-06-029	388-146-0140	NEW-W	01-07-071	388-148-0135	NEW-P	01-12-101
388-87-036	REP	01-03-084	388-146-0150	NEW-W	01-07-071	388-148-0140	NEW-W	01-08-064
388-87-060	REP	01-06-033	388-146-0160	NEW-W	01-07-071	388-148-0140	NEW-P	01-12-101
388-96-010	AMD-P	01-06-057	388-146-0170	NEW-W	01-07-071	388-148-0145	NEW-W	01-08-064
388-96-010	AMD	01-12-037	388-146-0180	NEW-W	01-07-071	388-148-0145	NEW-P	01-12-101
388-96-218	AMD-P	01-06-057	388-146-0190	NEW-W	01-07-071	388-148-0150	NEW-W	01-08-064
388-96-218	AMD	01-12-037	388-146-0200	NEW-W	01-07-071	388-148-0150	NEW-P	01-12-101
388-96-310	AMD-P	01-06-057	388-146-0210	NEW-W	01-07-071	388-148-0155	NEW-W	01-08-064
388-96-310	AMD-W	01-12-036	388-146-0220	NEW-W	01-07-071	388-148-0155	NEW-P	01-12-101
388-96-369	AMD-P	01-06-057	388-148-0005	NEW-W	01-08-064	388-148-0160	NEW-W	01-08-064
388-96-369	AMD	01-12-037	388-148-0005	NEW-P	01-12-101	388-148-0160	NEW-P	01-12-101
388-96-384	AMD-P	01-06-057	388-148-0010	NEW-W	01-08-064	388-148-0165	NEW-W	01-08-064
388-96-384	AMD	01-12-037	388-148-0010	NEW-P	01-12-101	388-148-0165	NEW-P	01-12-101
388-96-559	AMD-P	01-06-057	388-148-0015	NEW-W	01-08-064	388-148-0170	NEW-W	01-08-064
388-96-559	AMD	01-12-037	388-148-0015	NEW-P	01-12-101	388-148-0170	NEW-P	01-12-101
388-96-708	AMD-P	01-06-057	388-148-0020	NEW-W	01-08-064	388-148-0175	NEW-W	01-08-064
388-96-708	AMD	01-12-037	388-148-0020	NEW-P	01-12-101	388-148-0175	NEW-P	01-12-101
388-96-709	AMD-P	01-06-057	388-148-0025	NEW-W	01-08-064	388-148-0180	NEW-W	01-08-064
388-96-709	AMD	01-12-037	388-148-0025	NEW-P	01-12-101	388-148-0180	NEW-P	01-12-101
388-96-710	AMD-P	01-06-057	388-148-0030	NEW-W	01-08-064	388-148-0185	NEW-W	01-08-064
388-96-710	AMD	01-12-037	388-148-0030	NEW-P	01-12-101	388-148-0185	NEW-P	01-12-101
388-96-713	AMD-P	01-06-057	388-148-0035	NEW-W	01-08-064	388-148-0190	NEW-W	01-08-064
388-96-713	AMD	01-12-037	388-148-0035	NEW-P	01-12-101	388-148-0190	NEW-P	01-12-101
388-96-714	AMD-P	01-06-057	388-148-0040	NEW-W	01-08-064	388-148-0195	NEW-W	01-08-064
388-96-714	AMD	01-12-037	388-148-0040	NEW-P	01-12-101	388-148-0195	NEW-P	01-12-101
388-96-723	AMD-P	01-06-057	388-148-0045	NEW-W	01-08-064	388-148-0200	NEW-W	01-08-064
388-96-723	AMD	01-12-037	388-148-0045	NEW-P	01-12-101	388-148-0200	NEW-P	01-12-101
388-96-732	NEW-P	01-06-057	388-148-0050	NEW-W	01-08-064	388-148-0205	NEW-W	01-08-064
388-96-732	NEW	01-12-037	388-148-0050	NEW-P	01-12-101	388-148-0205	NEW-P	01-12-101

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-148-1140	NEW-W	01-08-064	388-160-0155	NEW-P	01-10-063	388-160-0435	NEW-P	01-10-063
388-148-1145	NEW-W	01-08-064	388-160-0165	NEW-W	01-07-070	388-160-0445	NEW-W	01-07-070
388-155-040	AMD-P	01-07-052	388-160-0165	NEW-P	01-10-063	388-160-0445	NEW-P	01-10-063
388-155-050	AMD-P	01-07-052	388-160-0175	NEW-W	01-07-070	388-160-0455	NEW-W	01-07-070
388-155-060	AMD-P	01-07-052	388-160-0175	NEW-P	01-10-063	388-160-0455	NEW-P	01-10-063
388-155-080	AMD-P	01-07-052	388-160-0185	NEW-W	01-07-070	388-160-0465	NEW-W	01-07-070
388-155-085	AMD-P	01-07-052	388-160-0185	NEW-P	01-10-063	388-160-0465	NEW-P	01-10-063
388-155-090	AMD-P	01-07-052	388-160-0195	NEW-W	01-07-070	388-160-0475	NEW-W	01-07-070
388-155-092	AMD-P	01-07-052	388-160-0195	NEW-P	01-10-063	388-160-0475	NEW-P	01-10-063
388-155-093	AMD-P	01-07-052	388-160-020	REP-W	01-07-070	388-160-0485	NEW-W	01-07-070
388-155-094	AMD-P	01-07-052	388-160-020	REP-P	01-10-063	388-160-0485	NEW-P	01-10-063
388-155-095	AMD-P	01-07-052	388-160-0205	NEW-W	01-07-070	388-160-0495	NEW-W	01-07-070
388-155-160	AMD-P	01-07-052	388-160-0205	NEW-P	01-10-063	388-160-0495	NEW-P	01-10-063
388-155-190	AMD-P	01-07-052	388-160-0215	NEW-W	01-07-070	388-160-050	REP-W	01-07-070
388-155-270	AMD-P	01-07-052	388-160-0215	NEW-P	01-10-063	388-160-050	REP-P	01-10-063
388-155-330	AMD-P	01-07-052	388-160-0225	NEW-W	01-07-070	388-160-0505	NEW-W	01-07-070
388-155-370	AMD-P	01-07-052	388-160-0225	NEW-P	01-10-063	388-160-0505	NEW-P	01-10-063
388-155-380	AMD-P	01-07-052	388-160-0235	NEW-W	01-07-070	388-160-0515	NEW-W	01-07-070
388-155-420	AMD-P	01-07-052	388-160-0235	NEW-P	01-10-063	388-160-0515	NEW-P	01-10-063
388-155-480	AMD-P	01-07-052	388-160-0245	NEW-W	01-07-070	388-160-0525	NEW-W	01-07-070
388-155-605	AMD-P	01-07-052	388-160-0245	NEW-P	01-10-063	388-160-0525	NEW-P	01-10-063
388-155-610	AMD-P	01-07-052	388-160-0255	NEW-W	01-07-070	388-160-0535	NEW-W	01-07-070
388-155-620	AMD-P	01-07-052	388-160-0255	NEW-P	01-10-063	388-160-0535	NEW-P	01-10-063
388-155-630	AMD-P	01-07-052	388-160-0265	NEW-W	01-07-070	388-160-0545	NEW-W	01-07-070
388-155-640	AMD-P	01-07-052	388-160-0265	NEW-P	01-10-063	388-160-0545	NEW-P	01-10-063
388-155-650	AMD-P	01-07-052	388-160-0275	NEW-W	01-07-070	388-160-0555	NEW-W	01-07-070
388-155-660	AMD-P	01-07-052	388-160-0275	NEW-P	01-10-063	388-160-0555	NEW-P	01-10-063
388-155-670	AMD-P	01-07-052	388-160-0275	NEW-W	01-07-070	388-160-0565	NEW-W	01-07-070
388-155-680	AMD-P	01-07-052	388-160-0285	NEW-W	01-07-070	388-160-0565	NEW-P	01-10-063
388-160-0005	NEW-W	01-07-070	388-160-0285	NEW-P	01-10-063	388-160-0575	NEW-W	01-07-070
388-160-0005	NEW-P	01-10-063	388-160-0295	NEW-W	01-07-070	388-160-0575	NEW-P	01-10-063
388-160-0015	NEW-W	01-07-070	388-160-0295	NEW-P	01-10-063	388-160-0585	NEW-W	01-07-070
388-160-0015	NEW-P	01-10-063	388-160-030	REP-W	01-07-070	388-160-0585	NEW-P	01-10-063
388-160-0025	NEW-W	01-07-070	388-160-030	REP-P	01-10-063	388-160-0595	NEW-W	01-07-070
388-160-0025	NEW-P	01-10-063	388-160-0305	NEW-W	01-07-070	388-160-0595	NEW-P	01-10-063
388-160-0035	NEW-W	01-07-070	388-160-0315	NEW-W	01-07-070	388-160-060	REP-W	01-07-070
388-160-0035	NEW-P	01-10-063	388-160-0315	NEW-P	01-10-063	388-160-060	REP-P	01-10-063
388-160-0045	NEW-W	01-07-070	388-160-0325	NEW-W	01-07-070	388-160-0605	NEW-W	01-07-070
388-160-0045	NEW-P	01-10-063	388-160-0325	NEW-P	01-10-063	388-160-0605	NEW-P	01-10-063
388-160-0055	NEW-W	01-07-070	388-160-0335	NEW-W	01-07-070	388-160-0615	NEW-W	01-07-070
388-160-0055	NEW-P	01-10-063	388-160-0335	NEW-P	01-10-063	388-160-0615	NEW-P	01-10-063
388-160-0065	NEW-W	01-07-070	388-160-0345	NEW-W	01-07-070	388-160-0625	NEW-W	01-07-070
388-160-0065	NEW-P	01-10-063	388-160-0345	NEW-P	01-10-063	388-160-0625	NEW-P	01-10-063
388-160-0075	NEW-W	01-07-070	388-160-0355	NEW-W	01-07-070	388-160-0635	NEW-W	01-07-070
388-160-0075	NEW-P	01-10-063	388-160-0355	NEW-P	01-10-063	388-160-0635	NEW-P	01-10-063
388-160-0085	NEW-W	01-07-070	388-160-0365	NEW-W	01-07-070	388-160-0645	NEW-W	01-07-070
388-160-0085	NEW-P	01-10-063	388-160-0365	NEW-P	01-10-063	388-160-0645	NEW-P	01-10-063
388-160-0095	NEW-W	01-07-070	388-160-0375	NEW-W	01-07-070	388-160-0655	NEW-P	01-10-063
388-160-0095	NEW-P	01-10-063	388-160-0375	NEW-P	01-10-063	388-160-0665	NEW-P	01-10-063
388-160-010	REP-W	01-07-070	388-160-0385	NEW-W	01-07-070	388-160-070	REP-W	01-07-070
388-160-010	REP-P	01-10-063	388-160-0385	NEW-P	01-10-063	388-160-070	REP-P	01-10-063
388-160-0105	NEW-W	01-07-070	388-160-0395	NEW-W	01-07-070	388-160-080	REP-W	01-07-070
388-160-0105	NEW-P	01-10-063	388-160-0395	NEW-P	01-10-063	388-160-080	REP-P	01-10-063
388-160-0115	NEW-W	01-07-070	388-160-040	REP-W	01-07-070	388-160-090	REP-W	01-07-070
388-160-0115	NEW-P	01-10-063	388-160-040	REP-P	01-10-063	388-160-090	REP-P	01-10-063
388-160-0125	NEW-W	01-07-070	388-160-0405	NEW-W	01-07-070	388-160-100	REP-W	01-07-070
388-160-0125	NEW-P	01-10-063	388-160-0405	NEW-P	01-10-063	388-160-100	REP-P	01-10-063
388-160-0135	NEW-W	01-07-070	388-160-0415	NEW-W	01-07-070	388-160-110	REP-W	01-07-070
388-160-0135	NEW-P	01-10-063	388-160-0415	NEW-P	01-10-063	388-160-110	REP-P	01-10-063
388-160-0145	NEW-W	01-07-070	388-160-0425	NEW-W	01-07-070	388-160-120	REP-W	01-07-070
388-160-0145	NEW-P	01-10-063	388-160-0425	NEW-P	01-10-063	388-160-120	REP-P	01-10-063
388-160-0155	NEW-W	01-07-070	388-160-0435	NEW-W	01-07-070	388-160-130	REP-W	01-07-070

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-160-130	REP-P	01-10-063	388-160-460	REP-P	01-10-063	388-330-060	REP-P	01-10-062
388-160-140	REP-W	01-07-070	388-160-470	REP-W	01-07-070	388-400-0005	AMD	01-03-121
388-160-140	REP-P	01-10-063	388-160-470	REP-P	01-10-063	388-400-0015	REP	01-03-121
388-160-150	REP-W	01-07-070	388-160-480	REP-W	01-07-070	388-400-0020	REP-P	01-03-120
388-160-150	REP-P	01-10-063	388-160-480	REP-P	01-10-063	388-400-0020	REP	01-07-001
388-160-160	REP-W	01-07-070	388-160-490	REP-W	01-07-070	388-400-0030	AMD-P	01-03-040
388-160-160	REP-P	01-10-063	388-160-490	REP-P	01-10-063	388-400-0030	AMD-E	01-03-041
388-160-170	REP-W	01-07-070	388-160-500	REP-W	01-07-070	388-400-0030	AMD	01-06-031
388-160-170	REP-P	01-10-063	388-160-500	REP-P	01-10-063	388-400-0035	AMD-P	01-10-066
388-160-180	REP-W	01-07-070	388-160-510	REP-W	01-07-070	388-400-0035	AMD-E	01-10-067
388-160-180	REP-P	01-10-063	388-160-510	REP-P	01-10-063	388-404-0005	AMD	01-03-121
388-160-190	REP-W	01-07-070	388-160-520	REP-W	01-07-070	388-406	PREP	01-06-027
388-160-190	REP-P	01-10-063	388-160-520	REP-P	01-10-063	388-408-0005	AMD	01-03-121
388-160-200	REP-W	01-07-070	388-160-530	REP-W	01-07-070	388-408-0010	AMD	01-03-121
388-160-200	REP-P	01-10-063	388-160-530	REP-P	01-10-063	388-408-0015	AMD	01-03-121
388-160-210	REP-W	01-07-070	388-160-540	REP-W	01-07-070	388-408-0020	AMD	01-03-121
388-160-210	REP-P	01-10-063	388-160-540	REP-P	01-10-063	388-408-0025	AMD	01-03-121
388-160-220	REP-W	01-07-070	388-160-550	REP-W	01-07-070	388-408-0030	AMD	01-03-121
388-160-220	REP-P	01-10-063	388-160-550	REP-P	01-10-063	388-410-0020	AMD-P	01-11-091
388-160-230	REP-W	01-07-070	388-160-560	REP-W	01-07-070	388-410-0025	AMD-P	01-11-091
388-160-230	REP-P	01-10-063	388-160-560	REP-P	01-10-063	388-410-0030	AMD-P	01-11-091
388-160-240	REP-W	01-07-070	388-200-1050	REP-P	01-07-051	388-414	PREP	01-06-027
388-160-240	REP-P	01-10-063	388-200-1050	REP	01-10-104	388-414-0001	AMD-P	01-04-074
388-160-250	REP-W	01-07-070	388-200-1300	REP-P	01-07-051	388-414-0001	AMD	01-07-054
388-160-250	REP-P	01-10-063	388-200-1300	REP	01-10-104	388-416	PREP	01-06-027
388-160-260	REP-W	01-07-070	388-200-1350	REP-P	01-07-051	388-416-0005	AMD-P	01-08-058
388-160-260	REP-P	01-10-063	388-200-1350	REP	01-10-104	388-416-0005	AMD	01-11-107
388-160-270	REP-W	01-07-070	388-222-001	REP	01-03-066	388-418	PREP	01-06-027
388-160-270	REP-P	01-10-063	388-222-010	REP	01-03-066	388-418-0005	AMD-S	01-08-059
388-160-280	REP-W	01-07-070	388-222-020	REP	01-03-066	388-418-0005	AMD	01-11-109
388-160-280	REP-P	01-10-063	388-273-0010	NEW-P	01-04-070	388-418-0007	NEW-S	01-08-059
388-160-290	REP-W	01-07-070	388-273-0010	NEW	01-09-023	388-418-0007	NEW	01-11-109
388-160-290	REP-P	01-10-063	388-273-0020	NEW-P	01-04-070	388-432-0005	NEW	01-03-066
388-160-300	REP-W	01-07-070	388-273-0020	NEW	01-09-023	388-434	PREP	01-06-027
388-160-300	REP-P	01-10-063	388-273-0025	NEW-P	01-04-070	388-434-0010	AMD-P	01-11-037
388-160-310	REP-W	01-07-070	388-273-0025	NEW	01-09-023	388-438	PREP	01-07-018
388-160-310	REP-P	01-10-063	388-273-0030	NEW-P	01-04-070	388-438-0110	AMD	01-05-041
388-160-320	REP-W	01-07-070	388-273-0030	NEW	01-09-023	388-444	PREP	01-12-020
388-160-320	REP-P	01-10-063	388-273-0035	NEW-P	01-04-070	388-444-0075	AMD	01-05-006
388-160-340	REP-W	01-07-070	388-273-0035	NEW	01-09-023	388-448	PREP	01-04-069
388-160-340	REP-P	01-10-063	388-310-0800	AMD-P	01-12-056	388-448-0020	AMD-P	01-11-106
388-160-350	REP-W	01-07-070	388-310-0900	AMD-P	01-03-060	388-448-0070	AMD-P	01-11-106
388-160-350	REP-P	01-10-063	388-310-0900	AMD-E	01-03-132	388-448-0120	AMD-P	01-11-106
388-160-360	REP-W	01-07-070	388-310-1000	AMD-P	01-03-060	388-448-0130	AMD-P	01-11-106
388-160-360	REP-P	01-10-063	388-310-1000	AMD-E	01-03-132	388-448-0140	AMD-P	01-11-106
388-160-370	REP-W	01-07-070	388-310-1050	AMD-P	01-03-060	388-448-0180	AMD-P	01-11-106
388-160-370	REP-P	01-10-063	388-310-1050	AMD-E	01-03-132	388-448-0200	AMD-P	01-11-106
388-160-380	REP-W	01-07-070	388-310-1300	AMD-E	01-05-007	388-450	PREP	01-06-027
388-160-380	REP-P	01-10-063	388-310-2000	NEW	01-03-042	388-450-0125	REP-P	01-08-044
388-160-390	REP-W	01-07-070	388-330-010	REP-W	01-07-071	388-450-0125	REP	01-11-108
388-160-390	REP-P	01-10-063	388-330-010	REP-P	01-10-062	388-450-0155	AMD-E	01-12-057
388-160-400	REP-W	01-07-070	388-330-020	REP-W	01-07-071	388-450-0156	NEW-E	01-12-057
388-160-400	REP-P	01-10-063	388-330-020	REP-P	01-10-062	388-450-0160	AMD-E	01-12-057
388-160-410	REP-W	01-07-070	388-330-030	REP-W	01-07-071	388-450-0190	AMD-P	01-03-038
388-160-410	REP-P	01-10-063	388-330-030	REP-P	01-10-062	388-450-0190	AMD-E	01-03-039
388-160-420	REP-W	01-07-070	388-330-035	REP-W	01-07-071	388-450-0190	AMD	01-06-030
388-160-420	REP-P	01-10-063	388-330-035	REP-P	01-10-062	388-452	PREP	01-06-027
388-160-430	REP-W	01-07-070	388-330-040	REP-W	01-07-071	388-452-0005	AMD-P	01-10-065
388-160-430	REP-P	01-10-063	388-330-040	REP-P	01-10-062	388-454	PREP	01-08-029
388-160-440	REP-W	01-07-070	388-330-050	REP-W	01-07-071	388-454-0005	AMD	01-03-121
388-160-440	REP-P	01-10-063	388-330-050	REP-P	01-10-062	388-454-0006	NEW-E	01-06-025
388-160-460	REP-W	01-07-070	388-330-060	REP-W	01-07-071	388-454-0010	AMD	01-03-121

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-458-0001	REP-P	01-12-055	388-502-0160	PREP	01-10-060	388-550-4300	AMD-P	01-09-070
388-458-0002	NEW-P	01-12-055	388-505-0210	AMD-P	01-07-012	388-550-4400	AMD-P	01-09-070
388-458-0005	REP-P	01-12-055	388-505-0210	AMD	01-11-110	388-550-4500	AMD-P	01-09-070
388-458-0006	NEW-P	01-12-055	388-505-0220	AMD-P	01-07-012	388-550-4800	AMD-P	01-09-070
388-458-0010	REP-P	01-12-055	388-505-0220	AMD	01-11-110	388-551	PREP	01-03-095
388-458-0011	NEW-P	01-12-055	388-505-0595	REP	01-06-043	388-551	PREP	01-03-096
388-458-0015	REP-P	01-12-055	388-512-1210	REP-W	01-06-046	388-551-3000	NEW	01-05-040
388-458-0016	NEW-P	01-12-055	388-512-1215	REP	01-06-042	388-561-0001	NEW	01-06-043
388-458-0020	NEW-P	01-12-055	388-512-1220	REP	01-06-042	388-561-0100	NEW	01-06-043
388-458-0025	NEW-P	01-12-055	388-512-1225	REP	01-06-042	388-561-0200	NEW	01-06-043
388-458-0030	NEW-P	01-12-055	388-512-1230	REP	01-06-042	388-561-0300	NEW	01-06-043
388-458-0035	NEW-P	01-12-055	388-512-1235	REP	01-06-042	388-815-005	REP-XR	01-07-019
388-458-0040	NEW-P	01-12-055	388-512-1240	REP	01-06-042	388-815-010	REP-XR	01-07-019
388-458-0045	NEW-P	01-12-055	388-512-1245	REP	01-06-042	388-815-020	REP-XR	01-07-019
388-468-0005	PREP	01-08-028	388-512-1250	REP	01-06-042	388-815-030	REP-XR	01-07-019
388-470	PREP	01-06-027	388-512-1255	REP	01-06-042	388-815-100	REP-XR	01-07-019
388-470-0075	AMD-W	01-09-073	388-512-1260	REP	01-06-042	388-815-110	REP-XR	01-07-019
388-470-0075	AMD-P	01-12-069	388-512-1265	REP	01-06-042	388-815-120	REP-XR	01-07-019
388-472-0005	PREP	01-03-119	388-512-1275	REP	01-06-042	388-815-130	REP-XR	01-07-019
388-472-0005	AMD-P	01-07-051	388-515	PREP	01-11-095	388-815-140	REP-XR	01-07-019
388-472-0005	AMD	01-10-104	388-517-0400	NEW	01-06-033	388-815-160	REP-XR	01-07-019
388-472-0010	NEW-P	01-07-051	388-533-1000	NEW-P	01-11-097	388-815-200	REP-XR	01-07-019
388-472-0010	NEW	01-10-104	388-535	PREP	01-07-018	388-815-205	REP-XR	01-07-019
388-472-0020	NEW-P	01-07-051	388-535-1230	AMD-P	01-03-154	388-815-210	REP-XR	01-07-019
388-472-0020	NEW	01-10-104	388-535-1230	AMD	01-07-077	388-815-215	REP-XR	01-07-019
388-472-0030	NEW-P	01-07-051	388-538	PREP	01-07-008	388-815-220	REP-XR	01-07-019
388-472-0030	NEW	01-10-104	388-538-067	PREP	01-10-059	388-815-230	REP-XR	01-07-019
388-472-0040	NEW-P	01-07-051	388-538-068	PREP	01-10-059	388-815-240	REP-XR	01-07-019
388-472-0040	NEW	01-10-104	388-543-1150	PREP	01-05-027	388-815-250	REP-XR	01-07-019
388-472-0050	NEW-P	01-07-051	388-543-1150	NEW-P	01-11-105	388-820-005	REP-XR	01-10-061
388-472-0050	NEW	01-10-104	388-543-2800	PREP	01-05-027	388-820-010	AMD-P	01-09-081
388-474-0001	AMD	01-06-042	388-543-2800	AMD-P	01-11-105	388-820-015	REP-XR	01-10-061
388-474-0010	PREP	01-11-050	388-544	PREP	01-07-018	388-820-020	AMD-P	01-09-081
388-478-0015	AMD-P	01-08-044	388-546-0001	NEW	01-03-084	388-820-025	REP-XR	01-10-061
388-478-0015	AMD	01-11-108	388-546-0100	NEW	01-03-084	388-820-030	AMD-P	01-09-081
388-478-0055	AMD-P	01-04-068	388-546-0150	NEW	01-03-084	388-820-035	REP-XR	01-10-061
388-478-0055	AMD	01-08-015	388-546-0200	NEW	01-03-084	388-820-040	AMD-P	01-09-081
388-478-0056	REP-P	01-04-068	388-546-0250	NEW	01-03-084	388-820-045	REP-XR	01-10-061
388-478-0056	REP	01-08-015	388-546-0300	NEW	01-03-084	388-820-050	AMD-P	01-09-081
388-478-0057	PREP	01-11-079	388-546-0400	NEW	01-03-084	388-820-055	REP-XR	01-10-061
388-478-0065	PREP	01-08-027	388-546-0450	NEW	01-03-084	388-820-060	AMD-P	01-09-081
388-478-0065	AMD-E	01-08-032	388-546-0500	NEW	01-03-084	388-820-065	REP-XR	01-10-061
388-478-0070	AMD-P	01-09-068	388-546-0600	NEW	01-03-084	388-820-070	AMD-P	01-09-081
388-478-0070	AMD-E	01-09-069	388-546-0700	NEW	01-03-084	388-820-075	REP-XR	01-10-061
388-478-0070	AMD	01-12-073	388-546-0800	NEW	01-03-084	388-820-080	AMD-P	01-09-081
388-478-0075	PREP	01-08-027	388-546-1000	NEW	01-03-084	388-820-085	REP-XR	01-10-061
388-478-0075	AMD-E	01-08-032	388-546-5000	NEW	01-06-029	388-820-090	AMD-P	01-09-081
388-478-0080	AMD-P	01-09-068	388-546-5100	NEW	01-06-029	388-820-095	REP-XR	01-10-061
388-478-0080	AMD-E	01-09-069	388-546-5200	NEW	01-06-029	388-820-100	AMD-P	01-09-081
388-478-0080	AMD	01-12-073	388-546-5300	NEW	01-06-029	388-820-105	REP-XR	01-10-061
388-478-0085	PREP	01-08-027	388-546-5400	NEW	01-06-029	388-820-110	AMD-P	01-09-081
388-478-0085	AMD-E	01-08-032	388-546-5500	NEW	01-06-029	388-820-115	REP-XR	01-10-061
388-484-0005	AMD	01-04-016	388-550	PREP	01-11-096	388-820-120	AMD-P	01-09-081
388-484-0010	NEW	01-04-016	388-550-1050	AMD-P	01-09-070	388-820-125	REP-XR	01-10-061
388-488	PREP	01-03-024	388-550-1100	AMD-P	01-09-070	388-820-130	AMD-P	01-09-081
388-490	PREP	01-06-027	388-550-2700	REP-P	01-09-070	388-820-140	NEW-P	01-09-081
388-501-0050	AMD	01-12-070	388-550-2800	AMD-P	01-09-070	388-820-150	NEW-P	01-09-081
388-501-0300	AMD-P	01-09-037	388-550-2900	AMD-P	01-09-070	388-820-160	NEW-P	01-09-081
388-501-0300	AMD	01-12-072	388-550-3300	AMD-P	01-09-070	388-820-170	NEW-P	01-09-081
388-502-0010	AMD	01-07-076	388-550-3600	AMD-P	01-09-070	388-820-180	NEW-P	01-09-081
388-502-0020	AMD	01-07-076	388-550-3700	AMD-P	01-09-070	388-820-190	NEW-P	01-09-081
388-502-0160	AMD	01-05-100	388-550-3800	AMD-P	01-09-070	388-820-200	NEW-P	01-09-081

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-865-0450	NEW	01-12-047	388-865-0550	NEW-P	01-07-116	391- 25-250	AMD-P	01-10-112
388-865-0452	NEW-P	01-07-116	388-865-0550	NEW	01-12-047	391- 25-270	AMD-P	01-10-112
388-865-0452	NEW	01-12-047	388-865-0555	NEW-P	01-07-116	391- 25-290	AMD-P	01-10-112
388-865-0454	NEW-P	01-07-116	388-865-0555	NEW	01-12-047	391- 25-299	AMD-P	01-10-112
388-865-0454	NEW	01-12-047	388-865-0557	NEW-P	01-07-116	391- 25-350	AMD-P	01-10-112
388-865-0456	NEW-P	01-07-116	388-865-0557	NEW	01-12-047	391- 25-370	AMD-P	01-10-112
388-865-0456	NEW	01-12-047	388-865-0560	NEW-P	01-07-116	391- 25-390	AMD-P	01-10-112
388-865-0458	NEW-P	01-07-116	388-865-0560	NEW	01-12-047	391- 25-410	AMD-P	01-10-112
388-865-0458	NEW	01-12-047	388-865-0565	NEW-P	01-07-116	391- 25-420	NEW-P	01-10-112
388-865-0460	NEW-P	01-07-116	388-865-0565	NEW	01-12-047	391- 25-430	AMD-P	01-10-112
388-865-0460	NEW	01-12-047	388-865-0600	NEW-P	01-07-116	391- 25-450	AMD-P	01-10-112
388-865-0462	NEW-P	01-07-116	388-865-0600	NEW	01-12-047	391- 25-470	AMD-P	01-10-112
388-865-0462	NEW	01-12-047	388-865-0610	NEW-P	01-07-116	391- 25-490	AMD-P	01-10-112
388-865-0464	NEW-P	01-07-116	388-865-0610	NEW	01-12-047	391- 25-510	AMD-P	01-10-112
388-865-0464	NEW	01-12-047	388-865-0620	NEW-P	01-07-116	391- 25-610	AMD-P	01-10-112
388-865-0466	NEW-P	01-07-116	388-865-0620	NEW	01-12-047	391- 25-650	AMD-P	01-10-112
388-865-0466	NEW	01-12-047	388-865-0630	NEW-P	01-07-116	391- 35	PREP	01-04-073
388-865-0468	NEW-P	01-07-116	388-865-0630	NEW	01-12-047	391- 35-001	AMD-P	01-10-112
388-865-0468	NEW	01-12-047	388-865-0640	NEW-P	01-07-116	391- 35-002	AMD-P	01-10-112
388-865-0470	NEW-P	01-07-116	388-865-0640	NEW	01-12-047	391- 35-020	AMD-P	01-10-112
388-865-0470	NEW	01-12-047	390- 16-011	PREP	01-03-164	391- 35-030	AMD-P	01-10-112
388-865-0472	NEW-P	01-07-116	390- 16-011	AMD-P	01-07-105	391- 35-050	AMD-P	01-10-112
388-865-0472	NEW	01-12-047	390- 16-011	AMD	01-10-049	391- 35-080	REP-P	01-10-112
388-865-0474	NEW-P	01-07-116	390- 16-012	PREP	01-03-163	391- 35-090	AMD-P	01-10-112
388-865-0474	NEW	01-12-047	390- 16-012	AMD-P	01-07-110	391- 35-099	AMD-P	01-10-112
388-865-0476	NEW-P	01-07-116	390- 16-012	AMD	01-10-054	391- 35-110	AMD-P	01-10-112
388-865-0476	NEW	01-12-047	390- 16-041	PREP	01-07-111	391- 35-170	AMD-P	01-10-112
388-865-0478	NEW-P	01-07-116	390- 16-105	PREP	01-03-161	391- 35-190	AMD-P	01-10-112
388-865-0478	NEW	01-12-047	390- 16-105	AMD-P	01-07-106	391- 35-320	NEW-P	01-10-112
388-865-0480	NEW-P	01-07-116	390- 16-105	AMD	01-10-050	391- 35-330	NEW-P	01-10-112
388-865-0480	NEW	01-12-047	390- 16-111	PREP	01-03-159	391- 35-340	NEW-P	01-10-112
388-865-0482	NEW-P	01-07-116	390- 16-111	AMD-P	01-07-107	391- 35-342	NEW-P	01-10-112
388-865-0482	NEW	01-12-047	390- 16-111	AMD	01-10-051	391- 35-343	NEW-P	01-10-112
388-865-0484	NEW-P	01-07-116	390- 16-115	PREP	01-07-113	391- 35-350	NEW-P	01-10-112
388-865-0484	NEW	01-12-047	390- 16-120	PREP	01-07-104	391- 45-001	AMD-P	01-10-112
388-865-0500	NEW-P	01-07-116	390- 16-125	PREP	01-07-114	391- 45-002	AMD-P	01-10-112
388-865-0500	NEW	01-12-047	390- 16-150	PREP	01-03-162	391- 55-001	AMD-P	01-10-112
388-865-0501	NEW-P	01-07-116	390- 16-150	REP-P	01-07-108	391- 65-001	AMD-P	01-10-112
388-865-0501	NEW	01-12-047	390- 16-150	REP	01-10-052	391- 95-001	AMD-P	01-10-112
388-865-0502	NEW-P	01-07-116	390- 16-155	PREP	01-07-112	392-121-210	AMD	01-08-048
388-865-0502	NEW	01-12-047	390- 16-190	PREP	01-07-115	392-122-322	PREP	01-03-099
388-865-0504	NEW-E	01-06-040	390- 16-309	PREP	01-03-081	392-122-900	PREP	01-03-099
388-865-0504	NEW-S	01-09-078	390- 16-311	PREP	01-03-082	392-125-080	AMD-E	01-03-098
388-865-0504	NEW	01-12-047	390- 24-200	PREP	01-03-160	392-125-080	AMD-P	01-06-063
388-865-0505	NEW-P	01-07-116	390- 24-200	AMD-P	01-07-109	392-125-080	AMD	01-11-099
388-865-0505	NEW	01-12-047	390- 24-200	AMD	01-10-053	392-136-020	AMD-P	01-06-064
388-865-0510	NEW-P	01-07-116	391- 08-001	AMD-P	01-10-112	392-136-020	AMD	01-11-098
388-865-0510	NEW	01-12-047	391- 25	PREP	01-04-073	392-138-003	AMD-P	01-12-048
388-865-0515	NEW-P	01-07-116	391- 25-001	AMD-P	01-10-112	392-138-005	AMD-P	01-12-048
388-865-0515	NEW	01-12-047	391- 25-002	AMD-P	01-10-112	392-138-010	AMD-P	01-12-048
388-865-0525	NEW-P	01-07-116	391- 25-010	AMD-P	01-10-112	392-138-011	NEW-P	01-12-048
388-865-0525	NEW	01-12-047	391- 25-030	AMD-P	01-10-112	392-138-012	REP-P	01-12-048
388-865-0530	NEW-P	01-07-116	391- 25-050	AMD-P	01-10-112	392-138-012	REP-P	01-12-048
388-865-0530	NEW	01-12-047	391- 25-070	AMD-P	01-10-112	392-138-013	NEW-P	01-12-048
388-865-0535	NEW-P	01-07-116	391- 25-090	AMD-P	01-10-112	392-138-014	NEW-P	01-12-048
388-865-0535	NEW	01-12-047	391- 25-110	AMD-P	01-10-112	392-138-016	REP-P	01-12-048
388-865-0540	NEW-P	01-07-116	391- 25-130	AMD-P	01-10-112	392-138-017	NEW-P	01-12-048
388-865-0540	NEW	01-12-047	391- 25-140	AMD-P	01-10-112	392-138-018	NEW-P	01-12-048
388-865-0545	NEW-P	01-07-116	391- 25-190	AMD-P	01-10-112	392-138-019	NEW-P	01-12-048
388-865-0545	NEW	01-12-047	391- 25-210	AMD-P	01-10-112	392-138-021	NEW-P	01-12-048
388-865-0546	NEW-P	01-07-116	391- 25-220	AMD-P	01-10-112	392-138-025	REP-P	01-12-048
388-865-0546	NEW	01-12-047	391- 25-230	AMD-P	01-10-112	392-138-030	REP-P	01-12-048

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
392-138-040	REP-P	01-12-048	392-172-111	AMD-P	01-11-129	415-110-326	AMD	01-10-045
392-138-045	REP-P	01-12-048	392-172-114	AMD-P	01-11-129	415-110-467	AMD-P	01-05-077
392-138-047	REP-P	01-12-048	392-172-132	AMD-P	01-11-129	415-110-467	AMD	01-08-057
392-138-050	REP-P	01-12-048	392-172-15700	AMD-P	01-11-129	415-110-710	PREP	01-09-058
392-138-055	REP-P	01-12-048	392-172-159	AMD-P	01-11-129	415-111-220	PREP	01-07-078
392-138-060	REP-P	01-12-048	392-172-160	AMD-P	01-11-129	415-111-220	AMD-E	01-08-026
392-138-065	REP-P	01-12-048	392-172-170	AMD-P	01-11-129	415-111-220	AMD-P	01-11-119
392-138-070	REP-P	01-12-048	392-172-180	AMD-P	01-11-129	415-112	PREP	01-05-075
392-138-071	REP-P	01-12-048	392-172-182	AMD-P	01-11-129	415-112-125	PREP	01-09-058
392-138-075	REP-P	01-12-048	392-172-186	AMD-P	01-11-129	415-112-727	AMD-P	01-07-079
392-138-080	REP-P	01-12-048	392-172-188	REP-P	01-11-129	415-112-727	AMD	01-10-045
392-138-085	REP-P	01-12-048	392-172-190	AMD-P	01-11-129	415-210	PREP	01-05-075
392-138-100	REP-P	01-12-048	392-172-200	AMD-P	01-11-129	415-610	PREP	01-04-028
392-138-105	NEW-P	01-12-048	392-172-202	AMD-P	01-11-129	415-620	PREP	01-04-028
392-138-110	NEW-P	01-12-048	392-172-220	AMD-P	01-11-129	415-630	PREP	01-04-028
392-138-115	NEW-P	01-12-048	392-172-222	AMD-P	01-11-129	415-630-025	NEW-P	01-08-076
392-138-120	NEW-P	01-12-048	392-172-224	AMD-P	01-11-129	415-630-025	NEW	01-11-053
392-138-125	NEW-P	01-12-048	392-172-232	AMD-P	01-11-129	415-630-030	PREP	01-04-028
392-138-130	NEW-P	01-12-048	392-172-23600	AMD-P	01-11-129	415-630-030	AMD-E	01-04-029
392-138-200	NEW-P	01-12-048	392-172-23605	AMD-P	01-11-129	415-630-030	AMD-P	01-08-076
392-138-205	NEW-P	01-12-048	392-172-23610	AMD-P	01-11-129	415-630-030	AMD	01-11-053
392-138-210	NEW-P	01-12-048	392-172-238	AMD-P	01-11-129	415-640	PREP	01-04-028
392-139	PREP	01-10-033	392-172-239	AMD-P	01-11-129	415-650	PREP	01-04-028
392-140-600	AMD	01-04-023	392-172-241	NEW-P	01-11-129	415-660	PREP	01-04-028
392-140-605	AMD	01-04-023	392-172-242	AMD-P	01-11-129	415-670	PREP	01-04-028
392-140-609	AMD	01-04-023	392-172-338	AMD-P	01-11-129	415-680	PREP	01-04-028
392-140-613	AMD	01-04-023	392-172-344	AMD-P	01-11-129	415-690	PREP	01-04-028
392-140-616	AMD	01-04-023	392-172-377	AMD-P	01-11-129	415-695	PREP	01-04-028
392-140-625	AMD	01-04-023	392-172-38410	AMD-P	01-11-129	417-01-105	AMD-E	01-05-101
392-140-626	AMD	01-04-023	392-172-404	AMD-P	01-11-129	417-01-105	PREP	01-05-102
392-140-660	AMD	01-04-023	392-172-424	AMD-P	01-11-129	417-01-105	AMD-P	01-09-082
392-140-675	AMD	01-04-023	392-172-426	AMD-P	01-11-129	417-01-110	PREP	01-05-102
392-140-903	AMD	01-08-048	392-172-504	AMD-P	01-11-129	417-01-110	AMD-P	01-09-082
392-140-956	AMD	01-08-048	392-172-507	AMD-P	01-11-129	417-01-115	PREP	01-05-102
392-141-200	PREP	01-03-099	399-10-010	AMD-P	01-03-143	417-01-115	AMD-P	01-09-082
392-142-155	PREP	01-10-105	399-10-010	AMD	01-09-014	417-01-125	AMD-E	01-05-101
392-142-155	PREP	01-11-049	399-30-030	AMD-P	01-03-143	417-01-125	PREP	01-05-102
392-151-090	AMD-P	01-03-097	399-30-030	AMD	01-09-014	417-01-125	AMD-P	01-09-082
392-151-095	AMD-P	01-03-097	399-30-040	AMD-P	01-03-143	417-01-127	NEW-E	01-05-101
392-153-001	NEW-P	01-11-064	399-30-040	AMD	01-09-014	417-01-127	NEW-P	01-09-082
392-153-005	AMD-P	01-11-064	399-30-042	AMD-P	01-03-143	417-01-130	PREP	01-05-102
392-153-010	AMD-P	01-11-064	399-30-042	AMD	01-09-014	417-01-130	AMD-P	01-09-082
392-153-014	AMD-P	01-11-064	399-50-040	AMD-P	01-03-143	417-01-135	PREP	01-05-102
392-153-015	AMD-P	01-11-064	399-50-040	AMD	01-09-014	417-01-135	AMD-P	01-09-082
392-153-017	NEW-P	01-11-064	415-02-030	PREP	01-05-074	417-01-145	AMD-P	01-09-082
392-153-020	AMD-P	01-11-064	415-02-060	AMD-P	01-05-096	417-01-150	AMD-E	01-05-101
392-153-021	NEW-P	01-11-064	415-02-060	AMD	01-08-043	417-01-150	PREP	01-05-102
392-153-022	NEW-P	01-11-064	415-06-100	PREP	01-11-027	417-01-150	AMD-P	01-09-082
392-153-023	NEW-P	01-11-064	415-100-055	PREP	01-05-094	417-01-155	PREP	01-05-102
392-153-024	NEW-P	01-11-064	415-100-055	AMD-P	01-10-081	417-01-155	AMD-P	01-09-082
392-153-025	AMD-P	01-11-064	415-103	PREP	01-06-048	417-06	PREP	01-05-102
392-153-032	AMD-P	01-11-064	415-103	AMD-P	01-10-082	417-06-110	AMD-P	01-09-082
392-153-035	AMD-P	01-11-064	415-103-010	NEW-P	01-10-082	417-06-120	AMD-P	01-09-082
392-153-040	AMD-P	01-11-064	415-103-215	AMD-P	01-10-082	417-06-130	AMD-P	01-09-082
392-153-045	NEW-P	01-11-064	415-104-215	AMD-P	01-07-079	417-06-135	NEW-P	01-09-082
392-172-020	AMD-P	01-11-129	415-104-215	AMD	01-10-045	417-06-140	AMD-P	01-09-082
392-172-030	AMD-P	01-11-129	415-108-326	AMD-P	01-07-079	417-06-150	AMD-P	01-09-082
392-172-035	AMD-P	01-11-129	415-108-326	AMD	01-10-045	417-06-170	AMD-P	01-09-082
392-172-045	AMD-P	01-11-129	415-108-467	AMD-P	01-05-077	420-04-010	NEW	01-04-052
392-172-080	NEW-P	01-11-129	415-108-467	AMD	01-08-057	420-04-015	NEW	01-04-052
392-172-105	AMD-P	01-11-129	415-108-710	PREP	01-09-058	420-04-020	NEW	01-04-052
392-172-10900	AMD-P	01-11-129	415-110-326	AMD-P	01-07-079	420-04-030	NEW	01-04-052

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
420-04-040	NEW	01-04-052	458-12-085	REP-XR	01-07-094	478-116-301	AMD-P	01-08-074
420-04-050	NEW	01-04-052	458-12-085	REP	01-11-029	478-116-311	AMD-P	01-08-074
420-04-060	NEW	01-04-052	458-20-13501	NEW-P	01-09-035	478-116-411	AMD-P	01-08-074
420-04-070	NEW	01-04-052	458-20-169	AMD-P	01-03-091	478-116-605	AMD-P	01-08-074
420-04-080	NEW	01-04-052	458-20-169	AMD	01-09-066	478-136-030	AMD-P	01-06-009
420-04-085	NEW	01-04-052	458-20-178	PREP	01-07-093	478-136-030	AMD	01-11-135
420-04-100	NEW	01-04-052	458-20-17801	PREP	01-07-093	478-156-014	REP-XR	01-07-064
420-12-010	NEW	01-04-052	458-20-17802	NEW-P	01-09-040	478-250-050	AMD-P	01-07-014
420-12-020	NEW	01-04-052	458-20-228	AMD	01-05-022	478-250-050	AMD	01-11-136
420-12-030	NEW	01-04-052	458-20-22802	AMD-P	01-03-105	478-250-070	AMD-P	01-07-014
420-12-040	NEW	01-04-052	458-20-22802	AMD	01-07-017	478-250-070	AMD	01-11-136
420-12-050	NEW	01-04-052	458-20-240	PREP	01-08-060	478-276-020	AMD-P	01-07-014
420-12-060	NEW	01-04-052	458-20-24001	AMD-P	01-08-034	478-276-020	AMD	01-11-136
420-12-070	NEW	01-04-052	458-20-24001	AMD	01-12-041	478-276-060	AMD-P	01-07-014
420-12-075	NEW	01-04-052	458-20-24001A	NEW-P	01-08-034	478-276-060	AMD	01-11-136
420-12-080	NEW	01-04-052	458-20-24001A	NEW	01-12-041	478-276-070	AMD-P	01-07-014
420-12-085	NEW	01-04-052	458-20-247	AMD-P	01-04-048	478-276-070	AMD	01-11-136
420-12-090	NEW	01-04-052	458-20-247	AMD	01-08-003	478-276-080	AMD-P	01-07-014
434-260-220	AMD-P	01-06-023	458-20-259	REP-XR	01-09-036	478-276-080	AMD	01-11-136
434-260-220	AMD	01-11-111	458-30-255	REP-XR	01-11-028	478-276-100	AMD-P	01-07-014
434-260-225	AMD-P	01-06-023	458-40-660	PREP	01-06-034	478-276-100	AMD	01-11-136
434-260-225	AMD	01-11-111	458-40-660	AMD-P	01-10-080	478-276-120	AMD-P	01-07-014
434-260-300	AMD-P	01-06-023	460-24A-020	NEW-P	01-12-090	478-276-120	AMD	01-11-136
434-260-300	AMD	01-11-111	460-24A-047	NEW-P	01-12-090	478-276-140	AMD-P	01-07-014
434-260-305	AMD-P	01-06-023	460-24A-050	AMD-P	01-12-090	478-276-140	AMD	01-11-136
434-260-305	AMD	01-11-111	460-24A-055	AMD-P	01-12-090	478-355-010	AMD-P	01-03-122
434-260-307	NEW-P	01-06-023	460-24A-057	NEW-P	01-12-090	478-355-010	AMD	01-08-007
434-260-307	NEW	01-11-111	460-24A-058	NEW-P	01-12-090	478-355-030	AMD-P	01-03-122
434-260-309	NEW-P	01-06-023	460-24A-060	AMD-P	01-12-090	478-355-030	AMD	01-08-007
434-260-309	NEW	01-11-111	460-24A-070	NEW-P	01-12-090	478-355-040	AMD-P	01-03-122
434-381-010	REP-E	01-11-089	460-24A-080	NEW-P	01-12-090	478-355-040	AMD	01-08-007
434-381-020	REP-E	01-11-089	460-24A-105	AMD-P	01-12-090	480-09	PREP	01-12-053
434-381-030	REP-E	01-11-089	460-24A-145	AMD-P	01-12-090	480-62-010	REP	01-04-026
434-381-040	REP-E	01-11-089	460-24A-170	AMD-P	01-12-090	480-62-020	REP	01-04-026
434-381-050	REP-E	01-11-089	460-24A-200	AMD-P	01-12-090	480-62-030	REP	01-04-026
434-381-060	REP-E	01-11-089	460-24A-205	AMD-P	01-12-090	480-62-040	REP	01-04-026
434-381-070	REP-E	01-11-089	460-24A-210	AMD-P	01-12-090	480-62-050	REP	01-04-026
434-381-080	REP-E	01-11-089	460-33A	PREP	01-12-012	480-62-060	REP	01-04-026
434-381-090	REP-E	01-11-089	468-300-010	AMD-P	01-04-078	480-62-070	REP	01-04-026
434-381-100	REP-E	01-11-089	468-300-010	AMD	01-11-010	480-62-080	REP	01-04-026
434-381-110	NEW-E	01-11-089	468-300-020	AMD-P	01-04-078	480-62-085	REP	01-04-026
434-381-120	NEW-E	01-11-089	468-300-020	AMD	01-11-010	480-62-090	REP	01-04-026
434-381-130	NEW-E	01-11-089	468-300-040	AMD-P	01-04-078	480-62-100	REP	01-04-026
434-381-140	NEW-E	01-11-089	468-300-040	AMD	01-11-010	480-62-120	REP	01-04-026
434-381-150	NEW-E	01-11-089	468-300-220	AMD-P	01-04-078	480-62-125	NEW	01-04-026
434-381-160	NEW-E	01-11-089	468-300-220	AMD	01-11-010	480-62-130	NEW	01-04-026
434-381-170	NEW-E	01-11-089	478-116-010	AMD-P	01-08-074	480-62-135	NEW	01-04-026
434-381-180	NEW-E	01-11-089	478-116-040	REP-P	01-08-074	480-62-140	NEW	01-04-026
434-381-190	NEW-E	01-11-089	478-116-046	REP-P	01-08-074	480-62-145	NEW	01-04-026
446-16-030	PREP	01-10-003	478-116-051	AMD-P	01-08-074	480-62-150	NEW	01-04-026
448-13	PREP	01-08-049	478-116-101	AMD-P	01-08-074	480-62-155	NEW	01-04-026
448-13-035	NEW-E	01-10-007	478-116-111	AMD-P	01-08-074	480-62-160	NEW	01-04-026
448-13-035	NEW-P	01-11-134	478-116-114	AMD-P	01-08-074	480-62-165	NEW	01-04-026
448-13-040	AMD-E	01-10-007	478-116-121	AMD-P	01-08-074	480-62-170	NEW	01-04-026
448-13-040	AMD-P	01-11-134	478-116-145	AMD-P	01-08-074	480-62-200	NEW	01-04-026
448-13-056	NEW-P	01-11-134	478-116-151	AMD-P	01-08-074	480-62-205	NEW	01-04-026
448-13-060	AMD-P	01-11-134	478-116-163	AMD-P	01-08-074	480-62-210	NEW	01-04-026
448-13-225	NEW-P	01-11-134	478-116-201	AMD-P	01-08-074	480-62-215	NEW	01-04-026
458-12-015	REP-XR	01-07-094	478-116-211	AMD-P	01-08-074	480-62-220	NEW	01-04-026
458-12-015	REP	01-11-029	478-116-245	AMD-P	01-08-074	480-62-225	NEW	01-04-026
458-12-020	REP-XR	01-07-094	478-116-255	AMD-P	01-08-074	480-62-230	NEW	01-04-026
458-12-020	REP	01-11-029	478-116-291	AMD-P	01-08-074	480-62-235	NEW	01-04-026

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480- 62-240	NEW	01-04-026	480- 70-170	REP	01-08-012	480- 70-360	REP	01-08-012
480- 62-245	NEW	01-04-026	480- 70-171	NEW	01-08-012	480- 70-361	NEW	01-08-012
480- 62-250	NEW	01-04-026	480- 70-176	NEW	01-08-012	480- 70-366	NEW	01-08-012
480- 62-300	NEW	01-04-026	480- 70-180	REP	01-08-012	480- 70-370	REP	01-08-012
480- 62-305	NEW	01-04-026	480- 70-181	NEW	01-08-012	480- 70-371	NEW	01-08-012
480- 62-310	NEW	01-04-026	480- 70-186	NEW	01-08-012	480- 70-376	NEW	01-08-012
480- 62-315	NEW	01-04-026	480- 70-190	REP	01-08-012	480- 70-380	REP	01-08-012
480- 62-320	NEW	01-04-026	480- 70-191	NEW	01-08-012	480- 70-381	NEW	01-08-012
480- 62-325	NEW	01-04-026	480- 70-196	NEW	01-08-012	480- 70-386	NEW	01-08-012
480- 62-999	NEW	01-04-026	480- 70-200	REP	01-08-012	480- 70-390	REP	01-08-012
480- 70-001	NEW	01-08-012	480- 70-201	NEW	01-08-012	480- 70-391	NEW	01-08-012
480- 70-006	NEW	01-08-012	480- 70-206	NEW	01-08-012	480- 70-396	NEW	01-08-012
480- 70-010	REP	01-08-012	480- 70-210	REP	01-08-012	480- 70-400	REP	01-08-012
480- 70-011	NEW	01-08-012	480- 70-211	NEW	01-08-012	480- 70-401	NEW	01-08-012
480- 70-016	NEW	01-08-012	480- 70-216	NEW	01-08-012	480- 70-405	REP	01-08-012
480- 70-020	REP	01-08-012	480- 70-220	REP	01-08-012	480- 70-406	NEW	01-08-012
480- 70-021	NEW	01-08-012	480- 70-221	NEW	01-08-012	480- 70-410	REP	01-08-012
480- 70-026	NEW	01-08-012	480- 70-226	NEW	01-08-012	480- 70-411	NEW	01-08-012
480- 70-030	REP	01-08-012	480- 70-230	REP	01-08-012	480- 70-416	NEW	01-08-012
480- 70-031	NEW	01-08-012	480- 70-231	NEW	01-08-012	480- 70-420	REP	01-08-012
480- 70-036	NEW	01-08-012	480- 70-236	NEW	01-08-012	480- 70-421	NEW	01-08-012
480- 70-040	REP	01-08-012	480- 70-240	REP	01-08-012	480- 70-426	NEW	01-08-012
480- 70-041	NEW	01-08-012	480- 70-241	NEW	01-08-012	480- 70-430	REP	01-08-012
480- 70-046	NEW	01-08-012	480- 70-245	REP	01-08-012	480- 70-431	NEW	01-08-012
480- 70-050	REP	01-08-012	480- 70-246	NEW	01-08-012	480- 70-436	NEW	01-08-012
480- 70-051	NEW	01-08-012	480- 70-250	REP	01-08-012	480- 70-440	REP	01-08-012
480- 70-055	REP	01-08-012	480- 70-251	NEW	01-08-012	480- 70-441	NEW	01-08-012
480- 70-056	NEW	01-08-012	480- 70-256	NEW	01-08-012	480- 70-446	NEW	01-08-012
480- 70-060	REP	01-08-012	480- 70-260	REP	01-08-012	480- 70-451	NEW	01-08-012
480- 70-061	NEW	01-08-012	480- 70-261	NEW	01-08-012	480- 70-456	NEW	01-08-012
480- 70-066	NEW	01-08-012	480- 70-262	NEW	01-08-012	480- 70-461	NEW	01-08-012
480- 70-070	REP	01-08-012	480- 70-266	NEW	01-08-012	480- 70-466	NEW	01-08-012
480- 70-071	NEW	01-08-012	480- 70-270	REP	01-08-012	480- 70-471	NEW	01-08-012
480- 70-076	NEW	01-08-012	480- 70-271	NEW	01-08-012	480- 70-476	NEW	01-08-012
480- 70-080	REP	01-08-012	480- 70-276	NEW	01-08-012	480- 70-481	NEW	01-08-012
480- 70-081	NEW	01-08-012	480- 70-280	REP	01-08-012	480- 70-486	NEW	01-08-012
480- 70-086	NEW	01-08-012	480- 70-281	NEW	01-08-012	480- 70-500	REP	01-08-012
480- 70-086	NEW	01-08-012	480- 70-286	NEW	01-08-012	480- 70-510	REP	01-08-012
480- 70-090	REP	01-08-012	480- 70-286	NEW	01-08-012	480- 70-530	REP	01-08-012
480- 70-091	NEW	01-08-012	480- 70-290	REP	01-08-012	480- 70-530	REP	01-08-012
480- 70-096	NEW	01-08-012	480- 70-291	NEW	01-08-012	480- 70-540	REP	01-08-012
480- 70-100	REP	01-08-012	480- 70-296	NEW	01-08-012	480- 70-550	REP	01-08-012
480- 70-101	NEW	01-08-012	480- 70-300	REP	01-08-012	480- 70-560	REP	01-08-012
480- 70-106	NEW	01-08-012	480- 70-301	NEW	01-08-012	480- 70-570	REP	01-08-012
480- 70-110	REP	01-08-012	480- 70-306	NEW	01-08-012	480- 70-700	REP	01-08-012
480- 70-111	NEW	01-08-012	480- 70-310	REP	01-08-012	480- 70-710	REP	01-08-012
480- 70-116	NEW	01-08-012	480- 70-311	NEW	01-08-012	480- 70-720	REP	01-08-012
480- 70-120	REP	01-08-012	480- 70-316	NEW	01-08-012	480- 70-730	REP	01-08-012
480- 70-121	NEW	01-08-012	480- 70-320	REP	01-08-012	480- 70-740	REP	01-08-012
480- 70-126	NEW	01-08-012	480- 70-321	NEW	01-08-012	480- 70-750	REP	01-08-012
480- 70-130	REP	01-08-012	480- 70-325	REP	01-08-012	480- 70-760	REP	01-08-012
480- 70-131	NEW	01-08-012	480- 70-326	NEW	01-08-012	480- 70-770	REP	01-08-012
480- 70-136	NEW	01-08-012	480- 70-330	REP	01-08-012	480- 70-780	REP	01-08-012
480- 70-140	REP	01-08-012	480- 70-331	NEW	01-08-012	480- 70-790	REP	01-08-012
480- 70-141	NEW	01-08-012	480- 70-335	REP	01-08-012	480- 70-999	NEW	01-08-012
480- 70-146	NEW	01-08-012	480- 70-336	NEW	01-08-012	480- 80	AMD	01-09-002
480- 70-150	REP	01-08-012	480- 70-339	NEW	01-08-012	480- 80-010	AMD-P	01-02-102
480- 70-151	NEW	01-08-012	480- 70-340	REP	01-08-012	480- 80-010	AMD	01-09-002
480- 70-155	REP	01-08-012	480- 70-341	NEW	01-08-012	480- 80-035	NEW-P	01-02-102
480- 70-156	NEW	01-08-012	480- 70-346	NEW	01-08-012	480- 80-035	NEW	01-09-002
480- 70-160	REP	01-08-012	480- 70-350	REP	01-08-012	480- 80-047	REP-P	01-02-102
480- 70-161	NEW	01-08-012	480- 70-351	NEW	01-08-012	480- 80-047	REP	01-09-002
480- 70-166	NEW	01-08-012	480- 70-356	NEW-W	01-12-085	480- 80-048	REP-P	01-02-102

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-80-048	REP	01-09-002	480-90-081	REP	01-11-003	480-90-171	REP	01-11-003
480-80-049	REP-P	01-02-102	480-90-086	REP-P	01-02-084	480-90-173	NEW-P	01-02-084
480-80-049	REP	01-09-002	480-90-086	REP	01-11-003	480-90-173	NEW	01-11-003
480-80-120	REP-P	01-02-102	480-90-091	REP-P	01-02-084	480-90-176	REP-P	01-02-084
480-80-120	REP	01-09-002	480-90-091	REP	01-11-003	480-90-176	REP	01-11-003
480-80-325	NEW-P	01-02-102	480-90-096	REP-P	01-02-084	480-90-178	NEW-P	01-02-084
480-80-325	NEW	01-09-002	480-90-096	REP	01-11-003	480-90-178	NEW	01-11-003
480-80-326	NEW-P	01-02-102	480-90-101	REP-P	01-02-084	480-90-181	REP-P	01-02-084
480-80-326	NEW	01-09-002	480-90-101	REP	01-11-003	480-90-181	REP	01-11-003
480-80-390	REP-P	01-02-102	480-90-103	NEW-P	01-02-084	480-90-183	NEW-P	01-02-084
480-80-390	REP	01-09-002	480-90-103	NEW	01-11-003	480-90-183	NEW	01-11-003
480-90-001	NEW-P	01-02-084	480-90-106	REP-P	01-02-084	480-90-188	NEW-P	01-02-084
480-90-001	NEW	01-11-003	480-90-106	REP	01-11-003	480-90-188	NEW	01-11-003
480-90-003	NEW-P	01-02-084	480-90-108	NEW-P	01-02-084	480-90-191	REP-P	01-02-084
480-90-003	NEW	01-11-003	480-90-108	NEW	01-11-003	480-90-191	REP	01-11-003
480-90-008	NEW-P	01-02-084	480-90-113	NEW-P	01-02-084	480-90-193	NEW-P	01-02-102
480-90-008	NEW	01-11-003	480-90-113	NEW	01-11-003	480-90-193	NEW	01-09-002
480-90-011	REP-P	01-02-084	480-90-116	REP-P	01-02-084	480-90-203	NEW-P	01-02-084
480-90-011	REP	01-11-003	480-90-116	REP	01-11-003	480-90-203	NEW	01-11-003
480-90-013	NEW-P	01-02-084	480-90-116	REP-S	01-11-148	480-90-208	NEW-P	01-02-084
480-90-013	NEW	01-11-003	480-90-118	NEW-P	01-02-084	480-90-208	NEW	01-11-003
480-90-016	REP-P	01-02-084	480-90-118	NEW	01-11-003	480-90-211	REP-P	01-02-084
480-90-016	REP	01-11-003	480-90-121	REP-P	01-02-084	480-90-211	REP	01-11-003
480-90-018	NEW-P	01-02-084	480-90-123	NEW-P	01-02-084	480-90-213	NEW-P	01-02-084
480-90-018	NEW	01-11-003	480-90-123	NEW-S	01-11-148	480-90-213	NEW	01-11-003
480-90-021	REP-P	01-02-084	480-90-126	REP-P	01-02-084	480-90-218	NEW-P	01-02-084
480-90-021	REP	01-11-003	480-90-126	REP	01-11-003	480-90-218	NEW	01-11-003
480-90-023	NEW-P	01-02-084	480-90-128	NEW-P	01-02-084	480-90-223	NEW-P	01-02-084
480-90-023	NEW	01-11-003	480-90-128	NEW	01-11-003	480-90-223	NEW	01-11-003
480-90-026	REP-P	01-02-084	480-90-131	REP-P	01-02-084	480-90-228	NEW-P	01-02-084
480-90-026	REP	01-11-003	480-90-131	REP	01-11-003	480-90-228	NEW	01-11-003
480-90-028	NEW-P	01-02-084	480-90-133	NEW-P	01-02-084	480-90-233	NEW-P	01-02-084
480-90-028	NEW	01-11-003	480-90-133	NEW	01-11-003	480-90-233	NEW	01-11-003
480-90-031	REP-P	01-02-084	480-90-136	REP-P	01-02-084	480-90-238	NEW-P	01-02-084
480-90-031	REP	01-11-003	480-90-136	REP	01-11-003	480-90-238	NEW	01-11-003
480-90-032	REP-P	01-02-084	480-90-138	NEW-P	01-02-084	480-90-303	NEW-P	01-02-084
480-90-032	REP	01-11-003	480-90-138	NEW	01-11-003	480-90-303	NEW	01-11-003
480-90-033	NEW-P	01-02-084	480-90-141	REP-P	01-02-084	480-90-308	NEW-P	01-02-084
480-90-033	NEW	01-11-003	480-90-141	REP	01-11-003	480-90-308	NEW	01-11-003
480-90-036	REP-P	01-02-084	480-90-143	NEW-P	01-02-084	480-90-313	NEW-P	01-02-084
480-90-036	REP	01-11-003	480-90-143	NEW	01-11-003	480-90-313	NEW	01-11-003
480-90-041	REP-P	01-02-084	480-90-146	REP-P	01-02-084	480-90-323	NEW-P	01-02-084
480-90-041	REP	01-11-003	480-90-146	REP	01-11-003	480-90-323	NEW	01-11-003
480-90-043	REP-P	01-02-084	480-90-148	NEW-P	01-02-084	480-90-328	NEW-P	01-02-084
480-90-043	REP	01-11-003	480-90-148	NEW	01-11-003	480-90-328	NEW	01-11-003
480-90-046	REP-P	01-02-084	480-90-151	REP-P	01-02-084	480-90-333	NEW-P	01-02-084
480-90-046	REP	01-11-003	480-90-151	REP	01-11-003	480-90-333	NEW	01-11-003
480-90-051	REP-P	01-02-084	480-90-153	NEW-P	01-02-084	480-90-338	NEW-P	01-02-084
480-90-051	REP	01-11-003	480-90-153	NEW-S	01-11-148	480-90-338	NEW	01-11-003
480-90-056	REP-P	01-02-084	480-90-156	REP-P	01-02-084	480-90-343	NEW-P	01-02-084
480-90-056	REP-S	01-11-148	480-90-156	REP	01-11-003	480-90-343	NEW	01-11-003
480-90-061	REP-P	01-02-102	480-90-158	NEW-P	01-02-084	480-90-348	NEW-P	01-02-084
480-90-061	REP	01-09-002	480-90-158	NEW	01-11-003	480-90-348	NEW	01-11-003
480-90-066	REP-P	01-02-084	480-90-161	REP-P	01-02-084	480-90-353	NEW-P	01-02-084
480-90-066	REP	01-11-003	480-90-161	REP	01-11-003	480-90-353	NEW	01-11-003
480-90-071	REP-P	01-02-084	480-90-163	NEW-P	01-02-084	480-90-999	NEW-P	01-02-084
480-90-071	REP	01-11-003	480-90-163	NEW	01-11-003	480-90-999	NEW	01-11-003
480-90-072	REP-P	01-02-084	480-90-166	REP-P	01-02-084	480-100-001	NEW-P	01-02-083
480-90-072	REP	01-11-003	480-90-166	REP	01-11-003	480-100-001	NEW	01-11-004
480-90-076	REP-P	01-02-084	480-90-168	NEW-P	01-02-084	480-100-003	NEW-P	01-02-083
480-90-076	REP	01-11-003	480-90-168	NEW	01-11-003	480-100-003	NEW	01-11-004
480-90-081	REP-P	01-02-084	480-90-171	REP-P	01-02-084	480-100-008	NEW-P	01-02-083

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-100-008	NEW	01-11-004	480-100-113	NEW	01-11-004	480-100-193	NEW	01-09-002
480-100-011	REP-P	01-02-083	480-100-116	REP-P	01-02-083	480-100-201	REP-P	01-02-083
480-100-011	REP	01-11-004	480-100-116	REP-S	01-11-147	480-100-201	REP	01-11-004
480-100-013	NEW-P	01-02-083	480-100-118	NEW-P	01-02-083	480-100-203	NEW-P	01-02-083
480-100-013	NEW	01-11-004	480-100-118	NEW	01-11-004	480-100-203	NEW	01-11-004
480-100-016	REP-P	01-02-083	480-100-121	REP-P	01-02-083	480-100-206	REP-P	01-02-083
480-100-016	REP	01-11-004	480-100-121	REP	01-11-004	480-100-206	REP	01-11-004
480-100-018	NEW-P	01-02-083	480-100-123	NEW-P	01-02-083	480-100-208	NEW-P	01-02-083
480-100-018	NEW	01-11-004	480-100-123	NEW-S	01-11-147	480-100-208	NEW	01-11-004
480-100-021	REP-P	01-02-083	480-100-126	REP-P	01-02-083	480-100-211	REP-P	01-02-083
480-100-021	REP	01-11-004	480-100-126	REP	01-11-004	480-100-211	REP	01-11-004
480-100-023	NEW-P	01-02-083	480-100-128	NEW-P	01-02-083	480-100-213	NEW-P	01-02-083
480-100-023	NEW	01-11-004	480-100-128	NEW	01-11-004	480-100-213	NEW	01-11-004
480-100-026	REP-P	01-02-083	480-100-131	REP-P	01-02-083	480-100-218	NEW-P	01-02-083
480-100-026	REP	01-11-004	480-100-131	REP	01-11-004	480-100-218	NEW	01-11-004
480-100-028	NEW-P	01-02-083	480-100-133	NEW-P	01-02-083	480-100-223	NEW-P	01-02-083
480-100-028	NEW	01-11-004	480-100-133	NEW	01-11-004	480-100-223	NEW	01-11-004
480-100-031	REP-P	01-02-083	480-100-136	REP-P	01-02-083	480-100-228	NEW-P	01-02-083
480-100-031	REP	01-11-004	480-100-136	REP	01-11-004	480-100-228	NEW	01-11-004
480-100-032	REP-P	01-02-083	480-100-138	NEW-P	01-02-083	480-100-233	NEW-P	01-02-083
480-100-032	REP	01-11-004	480-100-138	NEW	01-11-004	480-100-238	NEW	01-11-004
480-100-033	NEW-P	01-02-083	480-100-141	REP-P	01-02-083	480-100-251	REP-P	01-02-083
480-100-033	NEW	01-11-004	480-100-141	REP	01-11-004	480-100-251	REP	01-11-004
480-100-036	REP-P	01-02-083	480-100-143	NEW-P	01-02-083	480-100-308	NEW-P	01-02-083
480-100-036	REP	01-11-004	480-100-143	NEW	01-11-004	480-100-308	NEW	01-11-004
480-100-041	REP-P	01-02-083	480-100-146	REP-P	01-02-083	480-100-311	REP-P	01-02-083
480-100-041	REP	01-11-004	480-100-146	REP	01-11-004	480-100-311	REP	01-11-004
480-100-043	REP-P	01-02-083	480-100-148	NEW-P	01-02-083	480-100-313	NEW-P	01-02-083
480-100-043	REP	01-11-004	480-100-148	NEW	01-11-004	480-100-313	NEW	01-11-004
480-100-046	REP-P	01-02-083	480-100-151	REP-P	01-02-083	480-100-318	NEW-P	01-02-083
480-100-046	REP	01-11-004	480-100-151	REP	01-11-004	480-100-318	NEW	01-11-004
480-100-051	REP-P	01-02-083	480-100-153	NEW-P	01-02-083	480-100-328	NEW-P	01-02-083
480-100-051	REP	01-11-004	480-100-153	NEW-S	01-11-147	480-100-328	NEW	01-11-004
480-100-056	REP-P	01-02-083	480-100-156	REP-P	01-02-083	480-100-333	NEW-P	01-02-083
480-100-056	REP-S	01-11-147	480-100-156	REP	01-11-004	480-100-333	NEW	01-11-004
480-100-061	REP-P	01-02-102	480-100-161	REP-P	01-02-083	480-100-338	NEW-P	01-02-083
480-100-061	REP	01-09-002	480-100-161	REP	01-11-004	480-100-338	NEW	01-11-004
480-100-066	REP-P	01-02-083	480-100-163	NEW-P	01-02-083	480-100-343	NEW-P	01-02-083
480-100-066	REP	01-11-004	480-100-163	NEW	01-11-004	480-100-343	NEW	01-11-004
480-100-071	REP-P	01-02-083	480-100-166	REP-P	01-02-083	480-100-353	NEW-P	01-02-083
480-100-071	REP	01-11-004	480-100-166	REP	01-11-004	480-100-353	NEW	01-11-004
480-100-072	REP-P	01-02-083	480-100-168	NEW-P	01-02-083	480-100-358	NEW-P	01-02-083
480-100-072	REP	01-11-004	480-100-168	NEW	01-11-004	480-100-358	NEW	01-11-004
480-100-076	REP-P	01-02-083	480-100-171	REP-P	01-02-083	480-100-363	NEW-P	01-02-083
480-100-076	REP	01-11-004	480-100-171	REP	01-11-004	480-100-363	NEW	01-11-004
480-100-081	REP-P	01-02-083	480-100-173	NEW-P	01-02-083	480-100-368	NEW-P	01-02-083
480-100-081	REP	01-11-004	480-100-173	NEW	01-11-004	480-100-368	NEW	01-11-004
480-100-086	REP-P	01-02-083	480-100-176	REP-P	01-02-083	480-100-373	NEW-P	01-02-083
480-100-086	REP	01-11-004	480-100-176	REP	01-11-004	480-100-373	NEW	01-11-004
480-100-091	REP-P	01-02-083	480-100-178	NEW-P	01-02-083	480-100-378	NEW-P	01-02-083
480-100-091	REP	01-11-004	480-100-178	NEW	01-11-004	480-100-378	NEW	01-11-004
480-100-096	REP-P	01-02-083	480-100-181	REP-P	01-02-083	480-100-383	NEW-P	01-02-083
480-100-096	REP	01-11-004	480-100-181	REP	01-11-004	480-100-383	NEW	01-11-004
480-100-101	REP-P	01-02-083	480-100-183	NEW-P	01-02-083	480-100-388	NEW-P	01-04-081
480-100-101	REP	01-11-004	480-100-183	NEW	01-11-004	480-100-388	NEW	01-08-009
480-100-103	NEW-P	01-02-083	480-100-186	REP-P	01-02-083	480-100-393	NEW-P	01-04-081
480-100-103	NEW	01-11-004	480-100-186	REP	01-11-004	480-100-393	NEW	01-08-009
480-100-108	NEW-P	01-02-083	480-100-188	NEW-P	01-02-083	480-100-398	NEW-P	01-04-081
480-100-108	NEW	01-11-004	480-100-188	NEW	01-11-004	480-100-398	NEW	01-08-009
480-100-111	REP-P	01-02-083	480-100-191	REP-P	01-02-083	480-100-999	NEW-P	01-02-083
480-100-111	REP	01-11-004	480-100-191	REP	01-11-004	480-100-999	NEW	01-11-004
480-100-113	NEW-P	01-02-083	480-100-193	NEW-P	01-02-102	480-120-011	AMD-P	01-03-100

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-015	NEW-P	01-03-100	516- 24-001	AMD	01-09-052			
480-120-016	AMD-P	01-03-100	516- 24-050	REP-P	01-05-086			
480-120-022	REP-P	01-02-102	516- 24-050	REP	01-09-052			
480-120-022	REP	01-09-002	516- 24-060	REP-P	01-05-086			
480-120-023	REP-P	01-02-102	516- 24-060	REP	01-09-052			
480-120-023	REP	01-09-002	516- 24-110	AMD-P	01-05-086			
480-120-024	REP-P	01-02-102	516- 24-110	AMD	01-09-052			
480-120-024	REP	01-09-002	516- 24-115	REP-P	01-05-086			
480-120-025	REP-P	01-02-102	516- 24-115	REP	01-09-052			
480-120-025	REP	01-09-002	516- 24-130	AMD-P	01-05-086			
480-120-026	AMD-P	01-03-100	516- 24-130	AMD	01-09-052			
480-120-027	REP-P	01-02-102	516- 25-001	NEW-P	01-05-086			
480-120-027	REP	01-09-002	516- 25-001	NEW	01-09-052			
480-120-028	NEW-P	01-03-100	516- 60-001	REP-W	01-08-031			
480-120-029	NEW-P	01-03-100	516- 60-002	REP-W	01-08-031			
480-120-032	AMD-P	01-03-100						
480-120-033	AMD-P	01-03-100						
480-120-036	REP-P	01-03-100						
480-120-043	NEW-P	01-02-102						
480-120-043	NEW	01-09-002						
480-120-049	NEW-P	01-03-100						
480-120-066	REP-P	01-02-102						
480-120-066	REP	01-09-002						
480-120-076	REP-P	01-03-100						
480-120-083	NEW-E	01-11-048						
480-120-083	PREP	01-12-102						
480-120-091	REP-P	01-03-100						
480-120-096	REP-P	01-03-100						
480-120-136	AMD-P	01-03-100						
480-120-530	AMD-P	01-03-100						
480-120-531	NEW-P	01-03-100						
480-120-541	NEW-P	01-02-102						
480-120-541	NEW	01-09-002						
480-120-542	NEW-P	01-02-102						
480-120-542	NEW	01-09-002						
480-120-543	NEW-P	01-02-102						
480-120-543	NEW	01-09-002						
480-120-544	NEW-P	01-02-102						
480-120-544	NEW	01-09-002						
480-120-545	NEW-P	01-03-100						
480-121-061	NEW-P	01-02-102						
480-121-061	NEW	01-09-002						
480-121-062	NEW-P	01-02-102						
480-121-062	NEW	01-09-002						
480-121-063	NEW-P	01-02-102						
480-121-063	NEW	01-09-002						
480-121-064	NEW-P	01-02-102						
480-121-064	NEW	01-09-002						
504- 15-650	AMD-P	01-08-085						
504- 21	PREP	01-10-028						
504- 50-010	NEW-P	01-08-084						
504- 50-020	NEW-P	01-08-084						
504- 50-030	NEW-P	01-08-084						
504- 50-040	NEW-P	01-08-084						
504- 50-050	NEW-P	01-08-084						
504- 50-060	NEW-P	01-08-084						
504- 50-070	NEW-P	01-08-084						
504- 50-080	NEW-P	01-08-084						
516- 12	PREP	01-11-115						
516- 13	PREP	01-11-115						
516- 14	PREP	01-11-115						
516- 24-001	AMD-P	01-05-086						

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY

COMMISSION

Meetings MISC 01-02-103
 Performance and improvement goals
 reading and mathematics PROP 01-05-034
 PERM 01-11-035

ACCOUNTANCY, BOARD OF

Administration PROP 01-07-034
 PROP 01-07-035
 PERM 01-11-125
 PERM 01-11-126
 PROP 01-07-033
 PERM 01-11-124
 PERM 01-03-011
 PROP 01-07-041
 PROP 01-07-042
 PROP 01-07-043
 PERM 01-11-127
 PERM 01-11-128
 PERM 01-03-012
 PREP 01-06-002
 PROP 01-07-036
 PROP 01-07-037
 PROP 01-07-038
 PROP 01-07-039
 PROP 01-07-040
 MISC 01-01-079
 PREP 01-11-076
 PROP 01-11-123
 MISC 01-09-046

Definitions

Entry requirements

Ethics and prohibited practices

Meetings
 Public Accountancy Act, review
 Rule-making withdrawal
 Rules coordinator

ADVANCED TUITION PAYMENT, COMMISSION ON

Meetings MISC 01-02-034
 MISC 01-07-060
 MISC 01-09-008
 MISC 01-09-076

AGING AND ADULT SERVICES

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

AGRICULTURE, DEPARTMENT OF

Alfalfa seed commission
 meetings MISC 01-01-061
 Apiaries PREP 01-04-008
 PROP 01-08-087
 PERM 01-11-146

Apples
 annual release dates and harvest year marking PREP 01-03-133
 PREP 01-04-093
 PROP 01-08-068
PERM 01-12-079

Asparagus commission
 meetings MISC 01-01-135
 membership representation PROP 01-02-094
 MISC 01-05-049
 PERM 01-10-087
 MISC 01-10-089

Barley commission
 meetings MISC 01-01-095

Beef commission
 meetings MISC 01-03-030

Blueberries
 assessment PERM 01-05-047
 MISC 01-05-048
 PREP 01-03-137

planting stock certification

Bulb commission
 meetings MISC 01-01-096

Cranberries
 planting stock certification PREP 01-03-139
 PROP 01-07-097
 PERM 01-11-030

Dairy products commission
 powers and duties PREP 01-03-090
PROP 01-12-058

Farmed salmon commission
 termination MISC 01-01-090
 EXRE 01-01-091
 PROP 01-07-095
 PERM 01-11-086
 PREP 01-11-122

Fruit and vegetable inspection fees

Grades and packs, standards

inspections and certifications

Grain
 inspection fee schedule

Hop commission
 meetings
 Noxious weed control board
 meetings

noxious weed list
 Nursery inspection fees

Organic food
 certification
 standards and practices

Pesticides
 application, irrigation systems

general rules, corrections
 penalties for violations

wood destroying organism inspections

Potato commission
 promotional hosting

Quarantine
 agricultural pests

apple maggot
 blueberry scorch virus
 onion white rot
 plant services and pest programs
 fees and services

sudden oak death
 wetland and aquatic weed

Red raspberries
 grades and standards

Red raspberry commission
 meetings

Seed program
 Sod certification

Strawberries
 commission membership

planting stock certification

Weights and measures
 national standards

AIR POLLUTION

(See **ECOLOGY, DEPARTMENT OF**; individual air
 pollution control authorities)

ARTS COMMISSION

Meetings
 Rules coordinator

ASBESTOS

(See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

ASIAN PACIFIC AMERICAN AFFAIRS, COMMISSION ON

Meetings MISC 01-01-031
 MISC 01-01-080

ATHLETICS

(See **LICENSING, DEPARTMENT OF**)

ATTORNEY GENERAL

Notice of request for opinion MISC 01-04-084
 MISC 01-04-085

BAIL AND BOND AGENTS

(See **LICENSING, DEPARTMENT OF**)

PREP 01-03-134

PREP 01-03-135
 PREP 01-04-092
 EMER 01-05-003
 PROP 01-09-075
PERM 01-12-021

MISC 01-03-006

MISC 01-01-129
 MISC 01-04-031
PREP 01-12-078
 PROP 01-07-099
 PERM 01-11-031

PROP 01-12-100
 PERM 01-01-100

PROP 01-06-052
 PROP 01-06-053
 PROP 01-11-130
 PREP 01-08-054
 PERM 01-01-058
 PROP 01-02-080
 PREP 01-06-021

PROP 01-04-088
 PERM 01-09-028

PROP 01-07-096
 PERM 01-11-033
 PROP 01-11-145
 PREP 01-03-138
 PERM 01-01-013

PREP 01-02-100
 PREP 01-02-101
 PREP 01-03-136
 PERM 01-01-014

PERM 01-03-049
 PREP 01-08-100
 PROP 01-11-144

MISC 01-03-047
 PERM 01-01-015
 PREP 01-06-019

PROP 01-05-132
 MISC 01-10-088
 PREP 01-03-140
 PROP 01-07-098
 PERM 01-11-032

PROP 01-11-045

INDEX

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

BASIC HEALTH PLAN (See HEALTH CARE AUTHORITY)					
BATES TECHNICAL COLLEGE Meetings	MISC	01-03-031		COLUMBIA BASIN COLLEGE Meetings	MISC 01-01-062
	MISC	01-03-149		COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF Community development, office of low-income home energy assistance program (LIHEAP)	MISC 01-12-014
	MISC	01-05-037		Community economic revitalization board meetings	MISC 01-03-068
	MISC	01-05-038			MISC 01-11-055
	MISC	01-11-005		Developmentally disabled endowment trust fund	PREP 01-03-029
BELLEVUE COMMUNITY COLLEGE Meetings	MISC	01-01-046		Growth management comprehensive plans and development regulations	PROP 01-03-166
BELLINGHAM TECHNICAL COLLEGE Meetings	MISC	01-01-074		project consistency	PERM 01-08-056
	MISC	01-03-020		Meetings	PROP 01-03-165
	MISC	01-04-067		Public hearings	MISC 01-01-086
	MISC	01-06-047		Public works board	MISC 01-01-087
	MISC	01-08-019		loans	MISC 01-11-093
	MISC	01-09-033		meetings	PROP 01-03-143
	MISC	01-10-025			PERM 01-09-014
	MISC	01-10-086			MISC 01-01-085
	MISC	01-11-073			MISC 01-09-063
Rules coordinator	MISC	01-12-011		Transitional housing, operating and rent (THOR)	MISC 01-09-064
	MISC	01-09-060			MISC 01-09-065
BENTON CLEAN AIR AUTHORITY Meetings	MISC	01-01-104		COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR Information services, department of meetings	MISC 01-08-036
BIG BEND COMMUNITY COLLEGE Meetings	MISC	01-01-120		Rules, revision	PREP 01-09-061
BLIND, DEPARTMENT OF SERVICES FOR THE Meetings	MISC	01-01-127		CONSERVATION COMMISSION Meetings	MISC 01-01-108
Order of selection for services	MISC	01-12-008		CONVENTION AND TRADE CENTER Meetings	MISC 01-01-030
Rule-making withdrawal	PREP	01-03-131			MISC 01-03-027
Rules coordinator	PROP	01-10-018			MISC 01-05-054
	MISC	01-01-128			MISC 01-07-065
	MISC	01-10-042			MISC 01-09-050
BLIND, SCHOOL FOR THE Rule-making withdrawal	PROP	01-10-018			MISC 01-11-054
Rules coordinator	MISC	01-10-042		CORRECTIONS, DEPARTMENT OF Community custody violation hearings	MISC 01-04-044
School conduct code	PROP	01-09-057		Escorted leave	MISC 01-04-001
Special education programs	PROP	01-09-019		Meetings	MISC 01-03-007
BUILDING CODE COUNCIL Building code	PERM	01-02-095		Organizational structure	MISC 01-12-086
Energy code	PROP	01-05-028		Rules agenda	PERM 01-03-079
	PERM	01-03-010		Visitation of offenders	MISC 01-04-007
	PROP	01-05-031			PREP 01-12-033
	PROP	01-07-073		COUNTY ROAD ADMINISTRATION BOARD Approved projects, lapsing of RATA	PROP 01-06-017
Fire code	PERM	01-02-096		CRAB/county contract	PERM 01-09-077
Mechanical code	PROP	01-05-030		Meetings	PERM 01-05-008
Plumbing code	PERM	01-02-097			MISC 01-03-074
	PROP	01-05-029			MISC 01-09-059
	PREP	01-11-071			MISC 01-10-043
Reconsideration of code proposals	PREP	01-11-072		Project prioritization	MISC 01-12-013
Ventilation and indoor air quality code	PERM	01-02-099		RAP	PERM 01-05-009
CASCADIA COMMUNITY COLLEGE Meetings	MISC	01-01-082			PROP 01-01-023
	MISC	01-07-066		CRIMINAL JUSTICE TRAINING COMMISSION Reserve police officer training	PREP 01-08-033
CENTRALIA COLLEGE Meetings	MISC	01-01-119		DEAF, SCHOOL FOR THE Federal compliance	PROP 01-12-061
	MISC	01-05-039		Rules coordinator	MISC 01-10-009
CHILD SUPPORT (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)				Student conduct code	PROP 01-12-062
CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS Public disclosure and Open Public Meetings Act	PROP	01-04-033		EASTERN WASHINGTON UNIVERSITY Meetings	MISC 01-03-073
	PERM	01-12-002			MISC 01-03-124
CLARK COLLEGE Meetings	MISC	01-02-023			MISC 01-06-012
CODE REVISER'S OFFICE Quarterly reports 00-19 - 00-24 See Issue 01-01					MISC 01-06-013
					MISC 01-08-069
					MISC 01-09-080

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC 01-11-078		EMER 01-08-042
	MISC 01-12-031		PROP 01-10-094
ECOLOGY, DEPARTMENT OF		social studies requirements	PROP 01-10-098
Air pollution	PROP 01-04-072	subject areas	PROP 01-04-025
standards and compliance	EMER 01-10-004		PREP 01-05-124
Drought-related assistance	EMER 01-12-067	transcript contents	PROP 01-10-099
	EMER 01-12-068		PROP 01-04-024
	PERM 01-05-035	Home-based education	PROP 01-05-090
Environmental Permit Assistance Act	PERM 01-02-006	standardized tests	PERM 01-09-013
Flood control assistance account program	PERM 01-05-024		PREP 01-11-141
Model Toxics Control Act	MISC 01-04-071	Meetings	PREP 01-05-122
Public comment period	MISC 01-10-119		EMER 01-09-015
	MISC 01-04-012	Parents' rights	PROP 01-10-092
	MISC 01-11-060	pupil testing and recordkeeping	MISC 01-01-060
	MISC 01-11-061	Preparation programs	MISC 01-05-016
Public participation grants	PERM 01-05-024		PREP 01-05-123
Remedial action grants	PERM 01-05-024		PERM 01-03-153
Rule-making withdrawal	PREP 01-08-053		PROP 01-04-019
	PREP 01-08-061		PERM 01-04-021
	MISC 01-05-042		EMER 01-09-010
Rules agenda	PERM 01-05-036		PREP 01-10-039
Tank vessels			PROP 01-10-096
Wastewater			PROP 01-10-101
discharge fees	MISC 01-07-090		PREP 01-11-139
Water		Rule-making withdrawal	PROP 01-08-065
centennial clean water fund	PERM 01-01-042		PROP 01-08-066
pollution control revolving fund	PERM 01-01-043	School plant facilities	
water quality program	MISC 01-08-094	alternative public works contracting	PERM 01-08-040
Water rights		architectural and engineering fees	PROP 01-05-089
emergency drought permit	EMER 01-11-046		PERM 01-09-011
instream flows for Lower Skagit mainstem and		post 1992 facilities	PROP 01-05-088
Cultus Mountain tributaries	PERM 01-07-027	replacement option	PERM 01-09-012
			PREP 01-05-130
ECONOMIC DEVELOPMENT FINANCE AUTHORITY			EMER 01-08-039
Meetings	MISC 01-01-094		PROP 01-10-102
		state assistance	PREP 01-11-142
EDMONDS COMMUNITY COLLEGE		Waivers	PERM 01-04-020
Meetings	MISC 01-03-022		
	MISC 01-04-003	ELECTIONS	
	MISC 01-04-066	(See SECRETARY OF STATE)	
	MISC 01-05-053	EMERGENCY SERVICES	
	MISC 01-06-039	(See MILITARY DEPARTMENT)	
	MISC 01-09-051	EMPLOYMENT SECURITY DEPARTMENT	
	MISC 01-11-020	Interpretive regulations	PERM 01-03-009
	MISC 01-11-026	Rules agenda	MISC 01-04-047
	MISC 01-12-087	Unemployment benefits	
EDUCATION, STATE BOARD OF		disabled workers	PROP 01-05-117
Certification	PERM 01-03-152	dislocated workers	EMER 01-05-071
administrators	PERM 01-03-151		PROP 01-05-118
education advisory boards	PROP 01-05-093	educational employees	PERM 01-11-085
fees	PERM 01-09-005		PREP 01-10-117
	PREP 01-11-138	employer-initiated layoffs	EMER 01-12-010
lapsed certificates	PROP 01-04-022		PROP 01-04-082
out-of-state candidates	PREP 01-05-126	job search requirements	PERM 01-12-009
	PREP 01-05-147	overpayments, collection agency fees	PREP 01-04-083
	EMER 01-08-041		PREP 01-01-125
	PERM 01-09-006	ENGINEERS	
	PROP 01-10-093	(See LICENSING, DEPARTMENT OF)	
standards	PROP 01-02-037	ENVIRONMENTAL HEARINGS OFFICE	
	PREP 01-04-018	Rules coordinator	MISC 01-09-009
	PROP 01-04-019	EVERETT COMMUNITY COLLEGE	
Endorsements	PERM 01-09-004	Rules	
braille	PROP 01-10-095	updates and housekeeping	PERM 01-02-043
	PROP 01-10-097	EXECUTIVE ETHICS BOARD	
certificate	PREP 01-11-140	Administrative procedure	PROP 01-08-080
	PROP 01-05-091	Penalties	PREP 01-11-121
primary and supporting	PREP 01-05-127	State resources, de minimis use	PREP 01-11-120
	PROP 01-10-093	FACTORY ASSEMBLED STRUCTURES	
requirements	PREP 01-05-128	(See LICENSING, DEPARTMENT OF)	
	PROP 01-10-093	FINANCIAL INSTITUTIONS, DEPARTMENT OF	
Excellence in teacher preparation award	EMER 01-11-056	Banks	
	PREP 01-11-143	fees and assessments	PREP 01-03-145
High schools			
graduation requirements	PREP 01-05-092		
	PREP 01-05-125		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	PROP 01-07-081	North of Falcon	PREP 01-05-002
state-chartered commercial banks	PERM 01-12-003		PROP 01-10-116
Collective investment funds	PREP 01-03-106		PROP 01-10-118
Consumer services	PROP 01-03-107	sale and purchase	PROP 01-02-085
fees and assessments			PROP 01-02-086
	PREP 01-03-147		PERM 01-07-015
Credit unions	PROP 01-07-083	sardines	PERM 01-07-016
fees and assessments	PERM 01-12-029	sea cucumbers	PROP 01-02-086
			PERM 01-07-021
member business loans	PREP 01-03-146		EMER 01-07-069
	PROP 01-07-082	sea urchins	EMER 01-01-041
Escrow Agent Registration Act	PERM 01-12-004		EMER 01-01-146
Investment advisors	PROP 01-05-072		EMER 01-02-044
Mortgage brokers and loan originators	PERM 01-10-084		PROP 01-02-086
licensing	PERM 01-08-055		EMER 01-03-014
Mortgages, deeds, or property sales contracts	PROP 01-12-090		EMER 01-03-043
Rule-making withdrawal			EMER 01-03-062
Rules agenda	PERM 01-01-044		EMER 01-03-093
Savings and loan associations	PREP 01-12-012		EMER 01-04-010
	PROP 01-08-067		EMER 01-04-049
	MISC 01-04-006		EMER 01-05-011
	PERM 01-06-024		PERM 01-07-021
			PREP 01-07-069
FINANCIAL MANAGEMENT, OFFICE OF			EMER 01-11-041
Official pay dates, 2001-2002	PROP 01-09-085	shad	
	PERM 01-12-007	shellfish	
		areas and seasons	PERM 01-02-059
FISH AND WILDLIFE, DEPARTMENT OF		definitions	PERM 01-03-016
Aquaculture disease control	PROP 01-02-012	gear identification	PREP 01-10-075
Ballast water management	PREP 01-10-107	harvest logs	PERM 01-02-061
Fishing, commercial		oysters	EMER 01-07-006
bottomfish		shrimp fishery	
	PERM 01-02-060	areas and seasons	EMER 01-09-054
	EMER 01-03-088		EMER 01-10-040
	PREP 01-05-001	catch reporting	EMER 01-09-054
	PROP 01-05-070	gear	PREP 01-08-001
	EMER 01-08-011	smelt	PROP 01-02-014
	EMER 01-08-073		EMER 01-02-015
	PERM 01-10-001		PROP 01-03-015
	PROP 01-10-115		EMER 01-07-005
crab	EMER 01-11-024	sturgeon	EMER 01-07-047
	EMER 01-01-019	swordfish	EMER 01-12-024
	EMER 01-01-027	thresher shark	PREP 01-07-067
	EMER 01-01-084	Fishing, recreational	EMER 01-09-056
	EMER 01-01-112	bottomfish	
	EMER 01-04-009		EMER 01-02-077
	EMER 01-04-030		EMER 01-07-009
	EMER 01-04-076	Bridgeport fishing derby	EMER 01-12-066
	EMER 01-05-044	crab	EMER 01-01-026
	PREP 01-10-135		PROP 01-02-013
	PERM 01-11-009		EMER 01-02-013
	EMER 01-12-064		EMER 01-08-072
	PREP 01-12-080		EMER 01-10-006
groundfish trawl	PREP 01-01-110		EMER 01-11-094
herring and anchovy	EMER 01-01-099		EMER 01-12-027
	PERM 01-02-058		EMER 01-12-065
licensing	PROP 01-02-082	fly fishing	PROP 01-02-063
	EMER 01-12-038		PERM 01-06-051
octopus	PREP 01-12-081	halibut	EMER 01-11-087
salmon	PERM 01-02-057		EMER 01-12-005
all-citizen troll seasons		licenses	EMER 01-12-044
Columbia River above Bonneville	PROP 01-10-108	dealer fees	
	EMER 01-07-023		PREP 01-02-055
	EMER 01-09-067		PROP 01-05-112
	EMER 01-10-022		PERM 01-10-030
	EMER 01-11-042	lingcod	EMER 01-07-009
	EMER 01-12-006	rules revision	PERM 01-06-036
Columbia River below Bonneville	EMER 01-02-016	salmon	EMER 01-01-040
	EMER 01-04-042		EMER 01-02-079
	EMER 01-05-069		PREP 01-05-002
	EMER 01-06-004		EMER 01-07-007
	EMER 01-10-021		EMER 01-07-022
	EMER 01-11-002		EMER 01-07-089
commercial salmon troll	EMER 01-11-016		EMER 01-09-029
	EMER 01-10-058		EMER 01-09-030
	EMER 01-11-023		EMER 01-09-053
lawful acts	PROP 01-10-108		EMER 01-09-055
license buy back program	PREP 01-01-020		EMER 01-10-023
	PREP 01-01-022		EMER 01-10-038
	PROP 01-05-120		EMER 01-10-046
license economic adjustment assistance program			EMER 01-10-057
	PERM 01-10-031		PROP 01-10-109
	EMER 01-10-032		EMER 01-11-017

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	EMER 01-11-057	trapping	EMER 01-01-018
	EMER 01-11-065		PREP 01-01-021
	EMER 01-11-066		PREP 01-02-081
	EMER 01-11-088		PROP 01-05-111
	EMER 01-12-025		PROP 01-05-135
	EMER 01-12-026		PERM 01-10-048
shad	EMER 01-07-007	waterfowl	PREP 01-10-078
	EMER 01-10-002		EMER 01-03-013
	EMER 01-10-023	wild birds and animals	PREP 01-10-077
shellfish			PROP 01-05-144
areas and seasons	EMER 01-02-078	wild turkey	PERM 01-10-048
razor clams	EMER 01-04-046		PERM 01-04-037
	EMER 01-06-035		PROP 01-05-146
	EMER 01-10-041		EMER 01-07-020
	EMER 01-11-036	Regional fisheries enhancement groups	
	EMER 01-11-131	Aquatic Lands Enhancement Act funding	PREP 01-10-076
shrimp	EMER 01-11-001	Rule-making withdrawal	PROP 01-11-074
	EMER 01-11-040	Rules	
	EMER 01-12-043	semi-annual agenda	MISC 01-01-145
	EMER 01-12-049		
smelt	EMER 01-02-015	FOREST PRACTICES BOARD	
	EMER 01-06-005	Meetings	MISC 01-01-144
	EMER 01-06-050		MISC 01-06-008
	EMER 01-07-046	Rule-making withdrawal	PROP 01-09-071
	EMER 01-03-061	Rules revision and update	PROP 01-07-117
steelhead	EMER 01-04-011		PERM 01-12-042
	EMER 01-05-010		
	EMER 01-05-043	GAMBLING COMMISSION	
	EMER 01-05-080	Bingo	PERM 01-05-018
	EMER 01-06-007		PERM 01-05-020
	EMER 01-10-023		EXRE 01-05-119
	EMER 01-03-044		PERM 01-09-022
	EMER 01-09-003		PROP 01-10-120
sturgeon		Card rooms	PERM 01-05-021
			PREP 01-05-046
unlawful acts	PROP 01-01-025		PROP 01-10-122
crab, shrimp, crawfish	PERM 01-07-024	Gambling service suppliers	PREP 01-07-025
	PROP 01-07-080	Licenses	
Hunting		fees	PROP 01-02-040
aquatic plants	PROP 01-05-144		PREP 01-04-005
	PERM 01-10-048		PERM 01-05-019
auction hunts	PROP 01-05-140		PROP 01-07-091
	PERM 01-10-048		PREP 01-10-121
big game	PROP 01-05-142		PERM 01-11-063
	PERM 01-10-048		PROP 01-01-143
black bear	PERM 01-04-037	Punch boards and pull-tabs	PREP 01-03-080
	PROP 01-05-134		PROP 01-10-120
	PERM 01-10-048		PROP 01-09-072
contests	PREP 01-10-077		
cougar	PROP 01-05-134	Rule-making withdrawal	
	PREP 01-10-106	Rules	PERM 01-01-016
crossbows	PREP 01-07-068	clarifications and technical corrections	PREP 01-05-045
deer	PROP 01-05-139	Social card games	PROP 01-07-092
	PROP 01-05-146		
	PERM 01-10-048	GENERAL ADMINISTRATION, DEPARTMENT OF	
elk	EMER 01-01-075	Meetings	MISC 01-01-081
	PROP 01-05-145		MISC 01-05-025
	PROP 01-05-146		MISC 01-05-105
	PERM 01-10-048		MISC 01-07-048
firearms restrictions	PROP 01-05-142		MISC 01-12-050
fur	EMER 01-01-018	Rules coordinator	MISC 01-09-038
	PREP 01-01-021		
game farms	PROP 01-05-144	GOVERNOR, OFFICE OF THE	
game management units	PERM 01-04-037	Appeal of denial	MISC 01-01-140
	PROP 01-05-136		MISC 01-02-033
	PROP 01-05-143		MISC 01-03-071
	PERM 01-10-048		MISC 01-04-035
moose, sheep, and goats	PROP 01-05-137		MISC 01-04-063
	PERM 01-10-048		MISC 01-04-077
nontoxic shot	PROP 01-05-138		MISC 01-05-023
	PERM 01-10-048		MISC 01-05-073
	PREP 01-10-077		MISC 01-07-032
poisons	PREP 01-02-081		MISC 01-08-004
private lands wildlife management areas	PERM 01-04-037		MISC 01-08-020
raffle hunts	PROP 01-05-140		MISC 01-08-075
	PERM 01-10-048		MISC 01-09-007
small game	PROP 01-03-077		MISC 01-11-047
	PROP 01-05-141	Clemency and pardons board	
	PERM 01-10-048	meetings	MISC 01-03-018
	PREP 01-10-077		MISC 01-03-063
special hunting seasons	PERM 01-04-037		MISC 01-04-043
	PROP 01-05-140		MISC 01-09-044
	PROP 01-05-146	Energy supply alert	MISC 01-10-055

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Special session	MISC	01-10-024	prescriptive authority	PROP	01-10-127
State of emergency declared	MISC	01-12-028	standards of practice	PROP	01-02-064
	MISC	01-02-001	Nursing home administrators, board		
	MISC	01-02-002	examinations	PERM	01-03-114
	MISC	01-02-003	Osteopathic medicine and surgery, board of		
	MISC	01-04-013	nurses		
	MISC	01-07-031	prescriptive authority	PROP	01-10-128
GRAYS HARBOR COLLEGE			Pharmacy, board of		
Meetings	MISC	01-01-033	patient information requirements	PERM	01-04-055
	MISC	01-03-117	Physician assistants		
			fees	PREP	01-12-093
GREEN RIVER COMMUNITY COLLEGE			licensing	PROP	01-12-095
Meetings	MISC	01-02-035	Physicians		
			fees	PREP	01-12-093
			licenses		
GUARANTEED EDUCATION TUITION COMMITTEE			expired	PERM	01-03-115
(See ADVANCED TUITION PAYMENT, COMMISSION ON)			Prenatal tests		
HEALTH, DEPARTMENT OF			congenital and heritable disorders	PREP	01-08-091
Canadian postgraduate medical training	PROP	01-12-098	Prescription drugs	PREP	01-08-093
Cancer registry	PERM	01-04-086	senior discount program		
Charitable organizations			Radiation	PERM	01-01-101
drug export	PREP	01-05-109	radiation protection	PROP	01-11-160
	PREP	01-09-087		PROP	01-11-163
	PROP	01-09-088	radiological criteria for license termination	PROP	01-10-130
	PERM	01-12-052	U.S. nuclear regulatory commission rules,		
Chemical dependency professional advisory committee			compliance	PERM	01-02-067
meetings	MISC	01-03-046		PERM	01-02-068
Dental assistants and dental hygienists				PERM	01-02-069
endorsement for sealant and fluoride application	PREP	01-12-094		PROP	01-02-087
Dentist				PERM	01-05-110
continuing education requirements	PROP	01-11-164	Respiratory care practitioners	PREP	01-07-085
impaired dentist surcharge fee	PREP	01-04-053		PROP	01-07-086
	PROP	01-08-086		PERM	01-11-165
	PROP	01-09-086	Rules agenda	MISC	01-04-039
	PERM	01-11-166	Sex offender treatment advisory committee		
	PREP	01-11-162	meetings	MISC	01-12-088
Emergency medical services			Sex offender treatment provider		
Facility standards and licensing			certification	PERM	01-02-065
adult rehab centers	PROP	01-11-157	Shellfish programs		
alcohol treatment facilities	PROP	01-11-157	Fees	PROP	01-11-158
certificate of need	PROP	01-11-154	National Shellfish Sanitation Program Model		
childbirth centers	PROP	01-11-155	Ordinance (NSSP)	PERM	01-04-054
construction review fees	PREP	01-10-123	State board of health		
home care	PREP	01-10-125	HIV, counseling	PREP	01-08-088
home health	PREP	01-10-125	newborn screening	PREP	01-08-089
hospice	PREP	01-10-125	prenatal tests	PREP	01-08-093
hospitals	PREP	01-10-124	vital records	PREP	01-08-090
private psychiatric hospitals	PROP	01-11-156	Surgical technologist	PROP	01-06-054
residential treatment for psychiatrically			Trauma care system		
impaired youth	PROP	01-11-157	pediatric education requirements	PREP	01-10-131
transient accommodations	PROP	01-11-153	statewide data registry	PREP	01-10-014
Hearing and speech, board of			trust account	PREP	01-10-132
meetings	MISC	01-02-042	Veterinary medicine		
	MISC	01-12-089	examinations	PERM	01-02-066
HIV			Vital records	PREP	01-08-090
counseling	PREP	01-08-088	Water		
Independent review organizations	PERM	01-08-023	drinking water		
Interpretive and policy statements	MISC	01-03-069	state revolving fund guidelines	MISC	01-09-021
	MISC	01-03-109	water works operator certification	PERM	01-02-070
	MISC	01-03-110			
	MISC	01-03-111			
	MISC	01-03-112			
	MISC	01-03-113			
	MISC	01-04-038			
	MISC	01-04-056			
	MISC	01-04-057			
	MISC	01-04-058			
	MISC	01-04-059			
	MISC	01-04-060			
	MISC	01-10-133			
	MISC	01-10-134			
	MISC	01-11-161			
Medical quality assurance commission			HEALTH CARE AUTHORITY		
international medical school graduates	PROP	01-12-096	Basic health plan		
nurses			definitions and eligibility	PERM	01-01-134
prescriptive authority	PROP	01-10-129	pre-existing condition	PREP	01-02-054
Medical records				EMER	01-02-054
fees for searching and duplicating	PROP	01-12-097		EMER	01-02-056
Naturopathy program				PROP	01-05-107
examination appeals	EXRE	01-10-126		PERM	01-09-001
Nursing care quality commission			Community health clinics		
nurses			rules clarification	PERM	01-04-080
			Domestic partners	PERM	01-01-126
			Pharmacy, board of		
			Uniform Controlled Substances Act	MISC	01-03-108
			Public employees benefits board		
			insurance program		
			retirees	PREP	01-09-083
				PREP	01-09-084
				PROP	01-12-091
				PROP	01-12-092
			meetings	MISC	01-02-062
				MISC	01-05-050

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

	MISC	01-09-018	INVESTMENT BOARD		
	MISC	01-11-006	Meetings	MISC	01-01-106
	MISC	01-11-022			
HIGHER EDUCATION COORDINATING BOARD			JAIL INDUSTRIES BOARD		
Advanced tuition payment program	PREP	01-01-132	Address change	MISC	01-02-010
Displaced homemaker program	PERM	01-01-050			
	PROP	01-06-065	JUDICIAL CONDUCT, COMMISSION ON		
	PERM	01-10-020	Meetings	MISC	01-01-036
Future teachers conditional scholarship	PERM	01-08-017	Procedural rules	PROP	01-05-004
Meetings	MISC	01-01-064			
			LABOR AND INDUSTRIES, DEPARTMENT OF		
HISPANIC AFFAIRS, COMMISSION ON			Agriculture		
Meetings	MISC	01-01-130	minors, wages	PREP	01-05-114
				PROP	01-09-092
HORSE RACING COMMISSION			Apprenticeship and training council		
Licenses			meetings	MISC	01-01-139
application forms	PREP	01-02-004	Boiler rules, board of		
national racing compact license	PREP	01-02-004	fees	PROP	01-09-091
Rebating	PREP	01-12-060	rules, update and clarification	PERM	01-12-034
Safety equipment	PERM	01-01-035	Construction	PREP	01-10-034
Satellite locations daily fee	PREP	01-12-059	vehicular traffic		
			Crime victim compensation program		
			survivor death benefits	PREP	01-03-156
HOUSING FINANCE COMMISSION				EXRE	01-09-094
Tax credit allocation	PREP	01-03-144	Electrical board		
	PROP	01-07-028	meetings	MISC	01-10-036
	PERM	01-11-034	Factory assembled structures		
			state building code	PREP	01-03-070
HUMAN RIGHTS COMMISSION			Fees	PREP	01-05-116
Meetings	MISC	01-03-005		PREP	01-05-131
Rules coordinator	MISC	01-10-091	Industrial Safety and Health Act (WISHA)	PROP	01-09-090
			redesign of rules	PERM	01-12-035
HUNTING			Manufactured/mobile homes	PERM	01-11-038
(See FISH AND WILDLIFE, DEPARTMENT OF)			Minimum wage rate	EMER	01-08-010
			Occupational health standards	MISC	01-08-016
INDUSTRIAL INSURANCE			bloodborne pathogens standards	PREP	01-04-089
(See LABOR AND INDUSTRIES, DEPARTMENT OF)				PROP	01-09-089
INDUSTRIAL INSURANCE APPEALS, BOARD OF			Policy and interpretive statements	MISC	01-09-024
Notice of appeals	PROP	01-06-058	Rule-making withdrawal	PROP	01-11-039
	PROP	01-06-059	Rules agenda	MISC	01-07-103
	PERM	01-09-031	Safety and health standards		
	PERM	01-09-032	construction work	PERM	01-04-015
INFORMATION SERVICES, CENTER FOR			cotton dust	PREP	01-11-151
(See COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR)			electrical wires and equipment	PERM	01-01-097
INSURANCE COMMISSIONER, OFFICE OF			elevators and other conveyances	PERM	01-02-026
Charter title insurance corporation acquisition	MISC	01-08-006	flaggers	EMER	01-04-090
Financial statements				PROP	01-04-091
audited statements	PREP	01-08-099	machine guarding	PERM	01-07-075
	PROP	01-11-167	safety and health core rules	PREP	01-07-102
quarterly reports	PROP	01-08-098		PREP	01-09-093
	PERM	01-11-077	PROP	01-12-103	
Health insurance			Workers' compensation		
maternity coverage	PERM	01-03-035	attendant care services, providers	PREP	01-02-091
	EMER	01-04-087		PROP	01-08-092
patient bill of rights	PERM	01-03-033	drywall industry	PREP	01-11-149
	PERM	01-03-034	medical aid	PREP	01-01-147
pharmacy benefit	PERM	01-03-032	pension annuities	PREP	01-06-037
prescription contraceptive benefits	EMER	01-04-087	rates and tables	PREP	01-11-150
sex discrimination	PREP	01-05-108	reimbursement rates	PROP	01-05-113
Rule-making withdrawal	PROP	01-09-074		PERM	01-10-026
	PROP	01-12-083	reporting and classification	PREP	01-03-157
	PROP	01-12-084			
Rules agenda	MISC	01-04-041	LAKE WASHINGTON TECHNICAL COLLEGE		
Technical assistance advisory	MISC	01-01-076	Meetings	MISC	01-02-024
				MISC	01-05-051
INTERAGENCY COMMITTEE, OFFICE OF THE			LAND SURVEYORS		
Outdoor recreation, interagency committee for			(See LICENSING, DEPARTMENT OF)		
meetings	MISC	01-04-045	LICENSING, DEPARTMENT OF		
rules, clarifications and updates	PREP	01-02-090	Adjudicative proceedings	PERM	01-03-065
	PROP	01-09-025		PERM	01-03-129
rules agenda	MISC	01-03-004	Aircraft fuel tax	PROP	01-03-083
Salmon recovery funding board				PERM	01-08-083
administrative rules	PERM	01-04-052	Collection agencies	PROP	01-03-130
meetings	MISC	01-06-038		PERM	01-11-132
INTEREST RATES			Cosmetologists, barbers, manicurists, and esthetician		
(See inside front cover)			rules revision	PERM	01-01-083
			Drivers' licenses		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

commercial	PROP 01-04-075	Rules review	PERM 01-06-014
Engineers	PERM 01-09-062		PERM 01-06-015
examinations	PROP 01-04-094	Violations	PERM 01-06-016
Geologists	PERM 01-09-016	hearings	
licensing	PREP 01-03-052		PERM 01-03-086
	PROP 01-07-100	LOTTERY COMMISSION	
	PROP 01-07-101	Disabled persons, accessibility	PROP 01-08-037
	PERM 01-12-022		PERM 01-12-039
	PERM 01-12-023	General lottery rules	PREP 01-07-030
Landscape architect registration board		General provisions	
fees	PROP 01-01-133	winning ticket probability	PREP 01-04-040
	PREP 01-09-026		PROP 01-08-038
	PROP 01-12-063	Lotto	PERM 01-12-040
meetings	MISC 01-01-122		PREP 01-07-013
registration and examination fees	PERM 01-04-002	Lucky for life	PROP 01-11-082
Manufactured homes			PREP 01-07-004
certificate of title	PREP 01-01-102	Meetings	PROP 01-11-081
	PROP 01-06-018		MISC 01-08-018
Marine fuel use, public hearing	MISC 01-08-079	Policy statements	MISC 01-10-005
	PERM 01-11-069		MISC 01-03-037
Motor vehicles			MISC 01-11-008
certificate of title	PERM 01-03-002	LOWER COLUMBIA COLLEGE	
	PROP 01-03-072	Meetings	MISC 01-03-008
	PERM 01-08-022		
excise tax	PROP 01-08-050	MANUFACTURED HOMES	
	PROP 01-05-106	(See LICENSING, DEPARTMENT OF)	
	PROP 01-07-029		
	PROP 01-08-051	MARINE EMPLOYEES' COMMISSION	
licenses	PERM 01-12-099	Meetings	MISC 01-11-007
	PROP 01-04-062	Policy statements	MISC 01-10-035
	PROP 01-05-106	Rules	
registration	PERM 01-09-079	clarifications and technical corrections	PERM 01-01-124
	PREP 01-01-071		
	PREP 01-01-072	MEDICAL ASSISTANCE	
special plates	PROP 01-11-090	(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
VIN inspection	PROP 01-04-017		
Real estate	PERM 01-10-069	MEDICAL CARE	
licenses	PREP 01-11-083	(See HEALTH, DEPARTMENT OF)	
continuing education			
written reciprocity agreements	PREP 01-01-089	MILITARY DEPARTMENT	
Real estate commission	PREP 01-01-088	911 emergency services	
meetings		automatic location identification	PERM 01-09-045
	MISC 01-02-041	Emergency worker program	PERM 01-02-053
	MISC 01-08-097		
Real estate program		MOTOR VEHICLES	
course approval	PREP 01-08-096	(See LICENSING, DEPARTMENT OF)	
Spokane department of licensing	PREP 01-08-095		
Rules agenda	MISC 01-02-038	NATURAL RESOURCES, DEPARTMENT OF	
Signatures, handwritten and digital	PROP 01-04-050	Aquatic lands	
	PERM 01-09-017	residential use	PREP 01-10-068
Snowmobiles	PROP 01-06-049	Definitions	
	PERM 01-11-070	supervisor	PROP 01-04-061
Uniform commercial code		Meetings	PERM 01-07-049
filing forms and procedures	PROP 01-07-084		MISC 01-01-107
	PERM 01-10-056	Natural heritage advisory council	MISC 01-03-064
Vessels		meetings	MISC 01-05-017
public disclosure, vessel names	PROP 01-11-084	Rules agenda	
registration and certificate of title	PROP 01-03-017		
	PROP 01-03-072	NORTHWEST AIR POLLUTION AUTHORITY	
	PERM 01-03-128	Outdoor burning	PROP 01-10-070
	PREP 01-05-076	Rules, update and clarification	PROP 01-10-071
	PERM 01-08-021		
	PROP 01-08-052	NOXIOUS WEED CONTROL BOARD	
	PERM 01-11-100	(See AGRICULTURE, DEPARTMENT OF)	
Wastewater, on-site treatment systems			
designer and inspector licensing	PROP 01-05-033	NURSING CARE	
	PERM 01-11-102	(See HEALTH, DEPARTMENT OF)	
	PERM 01-03-141		
Wreckers		OLYMPIC AIR POLLUTION CONTROL AUTHORITY	
		New source review	PREP 01-10-090
LIQUOR CONTROL BOARD			
Adjudicative proceedings	PROP 01-06-062	OLYMPIC COLLEGE	
	PERM 01-11-058	Meetings	MISC 01-01-123
Administrative director	PREP 01-06-061	Rules coordinator	MISC 01-10-008
	PROP 01-11-059		
Alcohol server training permit	PERM 01-03-085	OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR	
In-house controlled purchase program	PREP 01-11-152	(See INTERAGENCY COMMITTEE, OFFICE OF THE)	
Licenses	PERM 01-03-087		
Rule-making withdrawal	PROP 01-11-075		
	PROP 01-12-082		

Subject/Agency Index

(Citation in bold type refer to material in this issue)

PARKS AND RECREATION COMMISSION

Boating
 accident and casualty reports PERM 01-02-021
 Meetings MISC 01-02-022
 MISC 01-03-036
 Permits for park improvements **PREP 01-12-077**
 Wind/sand sailing and kite bugging PREP 01-01-073

PENINSULA COLLEGE

Meetings MISC 01-03-021
 MISC 01-03-150
 MISC 01-04-036
 Student responsibilities PROP 01-03-116
 PERM 01-08-071

PERSONNEL, DEPARTMENT OF

Examinations **PROP 01-12-074**
 Registers **PROP 01-12-075**
 Return to work initiative program PROP 01-08-062
 PERM 01-11-113
 Rules, clarification PROP 01-08-063
 PERM 01-11-112
 Salaries
 additional pay EMER 01-04-051
 PROP 01-04-079
 PERM 01-08-005
 periodic increment dates PROP 01-02-089
 PERM 01-07-057
 transition pool program PROP 01-02-088
 trial service period PROP 01-02-088
 PERM 01-07-055
PROP 01-12-076
 Trial service period PROP 01-07-056
 Veterans PERM 01-03-003
 Washington management employees PERM 01-07-055

PERSONNEL APPEALS BOARD

Rules coordinator MISC 01-09-047

PERSONNEL RESOURCES BOARD

(See **PERSONNEL, DEPARTMENT OF**)

PIERCE COLLEGE

Meetings MISC 01-02-008
 MISC 01-10-019
MISC 01-12-046
 Student records PREP 01-03-125
 PREP 01-03-126
 PROP 01-07-061
 PROP 01-07-062
 PERM 01-11-067
 PERM 01-11-068

PILOTAGE COMMISSIONERS, BOARD OF

Grays Harbor district annual tariff PROP 01-10-072
 Office relocation MISC 01-02-009
 Puget Sound district annual tariff PROP 01-08-081
PERM 01-12-032

PRISONS AND PRISONERS

(See **CORRECTIONS, DEPARTMENT OF**)

PROPERTY TAX

(See **REVENUE, DEPARTMENT OF**)

PROSECUTING ATTORNEYS, ASSOCIATION OF

Rules coordinator MISC 01-01-118

PUBLIC ASSISTANCE

(See **SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**)

PUBLIC DISCLOSURE COMMISSION

Campaign contributions
 abbreviated reporting PREP 01-03-159
 PREP 01-03-161
 PREP 01-07-104
 PROP 01-07-106
 PROP 01-07-107
 PREP 01-07-113
 PREP 01-07-114
 PERM 01-10-049

affiliated entities

electronic filing
 mini campaign reporting

registration statement for candidates

registration statement for political committees

summary of total contributions and
 expenditures

Financial affairs, forms
 real property, descriptions

Interpretive statements
 Meetings
 Rules agenda

PUBLIC EMPLOYEES BENEFITS BOARD (See **HEALTH CARE AUTHORITY**)

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Meetings MISC 01-02-005
 MISC 01-03-026
 PREP 01-04-073
 PROP 01-10-112

Petitions

PUBLIC INSTRUCTION, SUPERINTENDENT OF

Buses PREP 01-11-049
 EMER 01-03-098
 Educational service districts PROP 01-06-063
 PERM 01-11-099
 PREP 01-10-033
 Finance - maintenance and operations levies MISC 01-10-017
 Hearings officer PROP 01-01-024
 Instructional support, program 94 PERM 01-08-048
 PREP 01-10-105
 School buses PROP 01-06-064
 Sick leave PERM 01-11-098

Special education
 safety net PROP 01-01-098
 PERM 01-04-023
 PREP 01-01-065
 PROP 01-11-129
 student eligibility PREP 01-03-099
 State allocations **PROP 01-12-048**

Student fund-raising activities
 Traffic safety
 education PROP 01-11-064
 school safety patrol PROP 01-03-097

PUBLIC WORKS BOARD

(See **COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT,
 DEPARTMENT OF**)

PUGET SOUND CLEAN AIR AGENCY

Board of directors
 meeting time PROP 01-10-113
 PERM 01-03-076
 Fees PROP 01-10-113
 PROP 01-07-088
 State Environmental Policy Act (SEPA) PERM 01-11-080
 PROP 01-07-087
 Washington Clean Air Act PROP 01-11-101

QUARTERLY REPORTS

(See **CODE REVISER'S OFFICE**)

REAL ESTATE APPRAISERS

(See **LICENSING, DEPARTMENT OF**)

REDISTRICTING COMMISSION

Administrative procedures EMER 01-05-101
 PERM 01-05-102
 PROP 01-09-082
 Meetings MISC 01-05-103

Subject/Agency Index

(Citation in bold type refer to material in this issue)

FBI background checks, provisional hire	PREP 01-07-050 PROP 01-10-064	licensing overnight youth shelters	PROP 01-12-101 PROP 01-07-070 PROP 01-10-063 PERM 01-02-031
Aging and adult services administration			
adult family homes	PREP 01-02-072	school-age child care centers	
chore services	PERM 01-02-051	Developmental disabilities services	
in-home care providers		community residential services	PROP 01-09-081 EXRE 01-10-061 PREP 01-03-059
background checks	PROP 01-07-045 PERM 01-11-019	family support opportunity program	
medically needy waiver program	PREP 01-11-095	ICF/MR, intermediate care facilities for	
nursing homes	PROP 01-06-057 PERM 01-12-037	mentally retarded	PERM 01-10-013 EXRE 01-11-104
private duty nursing	PROP 01-07-044 PERM 01-11-018	repeal of section	
residential services	PROP 01-03-155 PROP 01-10-103	Domestic violence	
Alcohol and substance abuse		perpetrator treatment program standards	PERM 01-08-046
interpretive or policy statements	MISC 01-07-011	shelters and services	PERM 01-07-053
Assistance programs		Finance division	
cash assistance	PROP 01-08-044 PERM 01-11-108	invoices, time period	PREP 01-01-068 PROP 01-08-077 PERM 01-12-071
client rights and responsibilities	PREP 01-03-119 PROP 01-07-051 PERM 01-10-104	Health and rehabilitative services	
family assistance	PERM 01-01-070	criminally insane	PERM 01-01-008
food assistance	PREP 01-01-069 PROP 01-03-038 EMER 01-03-039 PROP 01-04-074 PERM 01-05-006 PREP 01-06-027 PERM 01-06-030 PERM 01-07-054 PROP 01-08-058 PROP 01-11-037 PROP 01-11-091 PERM 01-11-107 PREP 01-12-020 PROP 01-12-069 PERM 01-06-044 PERM 01-03-121 PROP 01-03-120 PERM 01-07-001 EMER 01-06-025 PREP 01-04-069 PROP 01-11-106 EMER 01-12-057 PROP 01-10-065 PREP 01-08-029 PROP 01-12-055	drug-free workplace programs	EXRE 01-07-019 PERM 01-01-007
fraud		mentally ill	
general assistance for children		Medical assistance administration	
general assistance for pregnant women		administration of medical programs	PREP 01-02-046 PERM 01-05-100 PROP 01-09-037 PERM 01-12-070 PERM 01-12-072 PROP 01-01-077 PERM 01-05-041 PREP 01-10-060 PROP 01-03-154 PREP 01-07-018 PERM 01-07-077 PERM 01-01-078 EXRE 01-02-050 PROP 01-03-001 PREP 01-05-027 PERM 01-06-028 PROP 01-11-105 PROP 01-09-068 EMER 01-09-069 PREP 01-07-018 PROP 01-07-012 PERM 01-11-110 PREP 01-08-027 EMER 01-08-032 PROP 01-11-097 PREP 01-03-096 PREP 01-03-095 PROP 01-09-070 MISC 01-01-001 MISC 01-01-002 MISC 01-01-003 MISC 01-01-004 MISC 01-01-005 MISC 01-01-037 MISC 01-01-038 MISC 01-01-039 MISC 01-01-066 MISC 01-01-067 MISC 01-01-115 MISC 01-01-116 MISC 01-01-117 MISC 01-02-029 MISC 01-02-030 MISC 01-02-048 MISC 01-02-049 MISC 01-03-023 MISC 01-03-051 MISC 01-03-053 MISC 01-03-054 MISC 01-03-055 MISC 01-03-056 MISC 01-03-057 MISC 01-03-058 MISC 01-03-094 MISC 01-03-118 MISC 01-05-012 MISC 01-05-013 MISC 01-05-081 MISC 01-05-082
in-home care provider		alien emergency medical program	
incapacity		billing a client	
income and resources		dental related services	
interview requirements		durable medical equipment	
living with a relative, TANF benefits		eligibility, income standards	
notices and letters		emergency assistance	
payment standards		family medical	
SSI		federal poverty standards	
refugee cash assistance		first steps childcare program	
refugee medical assistance		home health services	
reporting requirements		hospice services	
telephone assistance		hospital services	
transfer of property		interpretive or policy statements	
Child support, division of			
consent order or agreed settlement	PREP 01-09-042		
distribution of support payments	PREP 01-09-043		
enforcement	PREP 01-09-041		
rules, revision	PERM 01-03-089 PREP 01-09-027		
Children's administration			
background checks	PROP 01-07-071 PROP 01-10-062 PERM 01-02-032		
child care centers	PROP 01-07-072		
child protective services	PERM 01-06-041		
child welfare services	PERM 01-08-045 PERM 01-08-047 PERM 01-02-032 PROP 01-07-052		
family child care homes			
foster care			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

	MISC 01-05-083	SOUTHWEST CLEAN AIR AGENCY	
	MISC 01-05-084	Administrative procedures	
	MISC 01-05-085	agency name change	PERM 01-05-055
	MISC 01-08-013		PERM 01-05-056
	MISC 01-08-014		PERM 01-05-057
	MISC 01-08-024		PERM 01-05-059
	MISC 01-08-025		PERM 01-05-060
	MISC 01-10-010		PERM 01-05-061
	MISC 01-10-011		PERM 01-05-062
	MISC 01-10-012		PERM 01-05-063
	MISC 01-11-011		PERM 01-05-064
	MISC 01-11-012		PERM 01-05-065
	MISC 01-11-013		PERM 01-05-066
	MISC 01-11-014		PERM 01-05-067
	MISC 01-12-016		PERM 01-05-068
	MISC 01-12-017	Ambient air quality standards	PERM 01-05-062
	MISC 01-12-018		PERM 01-05-063
	MISC 01-12-019		PERM 01-05-064
long-term care services	MISC 01-12-054	General regulations	PERM 01-05-055
	PREP 01-02-071		PERM 01-05-056
managed care	EMER 01-02-074		PERM 01-05-057
	PREP 01-11-096		PERM 01-05-058
medically needy and indigent programs	PREP 01-07-008		
standards	PREP 01-10-059		
	PREP 01-01-113	SPOKANE, COMMUNITY COLLEGES OF	
neurodevelopmental centers	EMER 01-01-114	Meetings	MISC 01-03-148
out-of-state medical care	PREP 01-01-006		MISC 01-11-021
payment	PERM 01-01-011	SPOKANE AIR POLLUTION CONTROL AUTHORITY	
physician-related services	PERM 01-06-032	Agricultural burning	PERM 01-04-065
prescription drug program	PERM 01-01-012	Open burning	PROP 01-01-092
	PERM 01-01-028		PERM 01-04-064
private duty nursing services	PERM 01-01-029	Outdoor burning	PROP 01-03-028
providers	PERM 01-05-040		PROP 01-06-055
residency	PERM 01-07-076	SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY	
rules	PREP 01-08-028	Agricultural burning	PROP 01-01-093
corrections and clarifications	PROP 01-02-047		
	PERM 01-02-052	SPORTS, PROFESSIONAL	
	PROP 01-02-073	(See LICENSING, DEPARTMENT OF; HORSE RACING	
	PERM 01-02-075	COMMISSION)	
	PERM 01-02-076		
	PERM 01-06-033	SUPREME COURT, STATE	
SSI eligible clients	EMER 01-01-113	Access to family law court records	MISC 01-05-014
standards	EMER 01-01-114	Appellate court	MISC 01-11-043
	PERM 01-06-042	Civil court	MISC 01-01-054
	PROP 01-06-046	Courts of limited jurisdiction	MISC 01-01-051
	PROP 01-09-068	Criminal court	MISC 01-01-053
	EMER 01-09-069		MISC 01-01-056
state-administered cash programs	PERM 01-12-073	Disciplinary regulations	MISC 01-01-052
transportation program	PERM 01-01-009	Guilty plea, statement of defendant	MISC 01-01-057
	PROP 01-02-045	Juvenile court	MISC 01-11-044
	PERM 01-03-084	Lawyer discipline	MISC 01-01-055
	PERM 01-06-029	Practice of law board	MISC 01-05-015
trusts, annuities, and life estates	PERM 01-06-043	Superior court criminal rules	MISC 01-07-010
vision care services	PERM 01-01-010		
	PREP 01-07-018	TACOMA COMMUNITY COLLEGE	
Mental health		Meetings	MISC 01-01-049
community mental health programs	PROP 01-07-116		MISC 01-01-136
	PROP 01-09-078		MISC 01-11-133
	PERM 01-12-047	TAX APPEALS, BOARD OF	
facilities, long-term certification	EMER 01-06-040	Meetings	MISC 01-01-045
Rule-making withdrawal	PROP 01-08-064		MISC 01-02-028
	PROP 01-09-073	TAXATION	
Rules, agenda	PROP 01-12-036	(See REVENUE, DEPARTMENT OF)	
Temporary assistance for needy families (TANF)	MISC 01-03-067		
eligibility	PERM 01-03-066	THE EVERGREEN STATE COLLEGE	
five year limit	PERM 01-04-016	Meetings	MISC 01-01-017
WorkFirst			
community jobs program	EMER 01-05-007	TOXICOLOGIST, STATE	
individual development accounts	PERM 01-03-042	Breath alcohol testing	PREP 01-08-049
internships, practicums, seasonal employment	PROP 01-03-060		EMER 01-10-007
	EMER 01-03-132		PROP 01-11-134
support services	PROP 01-12-056	TRANSPORTATION, DEPARTMENT OF	
		Ferry	
SOUTH PUGET SOUND COMMUNITY COLLEGE		fares	PREP 01-01-111
Meetings	MISC 01-01-063		PROP 01-04-078
	MISC 01-01-121	Relocation assistance and real property	PERM 01-11-010
	MISC 01-04-034	acquisition	
	MISC 01-07-074		PERM 01-02-027

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Rules agenda MISC 01-02-039
 Rules coordinator MISC 01-03-104

TRANSPORTATION IMPROVEMENT BOARD
 Roadway project cost increases PREP 01-10-110

TREASURER, OFFICE OF THE STATE
 Financing contracts PROP 01-06-060
 PERM 01-11-062

Usury rates (see inside front cover)

UNEMPLOYMENT COMPENSATION
 (See **EMPLOYMENT SECURITY DEPARTMENT**)

UNIFORM COMMERCIAL CODE
 (See **LICENSING, DEPARTMENT OF**)

UNIVERSITY OF WASHINGTON
 Facilities
 advertising and commercial solicitation PREP 01-01-034
 PROP 01-06-009
 PERM 01-11-135
 Meetings MISC 01-03-142
 MISC 01-05-026
 MISC 01-06-026
 MISC 01-07-063
 MISC 01-08-030
 PROP 01-08-074
 PROP 01-07-014
 PERM 01-11-136
 EXRE 01-07-064
 MISC 01-03-092
 PROP 01-03-122
 PERM 01-08-007

Parking and traffic
 Public records

Residence halls
 Rules, agenda
 Small works roster

USURY RATES
 (See inside front cover)

UTILITIES AND TRANSPORTATION COMMISSION
 Administrative procedure PREP **01-12-053**
 Electric companies PROP 01-02-083
 PROP 01-04-081
 PERM 01-08-009
 PERM 01-11-003
 PERM 01-11-004
 PROP 01-11-147
 PROP 01-02-084
 PROP 01-11-148
 PREP 01-10-047
 PERM 01-04-026
 PROP 01-12-085
 PERM 01-08-012
 PROP 01-02-102
 PERM 01-09-002

Gas companies
 Pipeline safety fee
 Railroad company operations
 Rule-making withdrawal
 Solid waste collection companies
 Tariffs

Telecommunications
 cessation of services, notice requirement EMER 01-11-048
 PREP 01-12-102
 operations PROP 01-03-100

**VOLUNTEER FIRE FIGHTERS AND RESERVE OFFICERS,
 BOARD FOR**
 Rules coordinator MISC 01-09-048
 Volunteer fire fighters meetings MISC 01-03-123

WALLA WALLA COMMUNITY COLLEGE
 Meetings MISC **01-12-030**

WASHINGTON STATE LIBRARY
 Library commission meetings MISC 01-03-025
 MISC 01-04-014
 MISC 01-06-003

Library council meetings MISC 01-03-075
 MISC 01-07-003

WASHINGTON STATE PATROL
 Emergency vehicles permits PREP 01-11-117
 Motor vehicles flashing amber lights PROP 01-05-097

impounds EMER 01-03-078
 PERM 01-05-098

oversize loads PERM 01-11-118
 Records, inspection PREP 01-10-003
 Rule-making withdrawal PROP 01-10-083
 Towing businesses PREP 01-11-116

WASHINGTON STATE UNIVERSITY
 Family Educational Rights and Privacy Act PREP 01-10-028
 Library - food, beverage, and tobacco policy PREP 01-10-027

Parking
 college of nursing PREP 01-10-074
 permit fees PREP 01-05-078
 PROP 01-08-085
 PREP 01-10-073
 PREP 01-10-029
 PREP 01-05-079
 PROP 01-08-084

Spokane campus
 Vancouver campus
 Small works roster

WASTEWATER
 (See **ECOLOGY, DEPARTMENT OF; LICENSING, DEPARTMENT OF**)

WATER
 (See **ECOLOGY, DEPARTMENT OF**)

WENATCHEE VALLEY COLLEGE
 Debt, nonpayment PREP 01-03-102
 Discrimination PREP 01-06-056
 PROP 01-10-015
 MISC 01-01-032
 PREP 01-03-103
 PROP 01-04-004
 PREP 01-06-010
 PREP 01-06-011
 PROP 01-07-058
 PERM 01-07-059
 PROP 01-10-015
 PROP 01-10-016
PERM 01-12-015

Meetings
 Rules, update

WESTERN WASHINGTON UNIVERSITY
 Admission and registration procedures PERM 01-01-137
 PROP 01-08-031
 PROP 01-05-086
 PERM 01-09-052
 PERM 01-01-138
 MISC 01-05-032
 MISC 01-08-035
 MISC 01-09-020
 PREP 01-11-115

General conduct
 Leasing university property
 Meetings

Parking and traffic

WHATCOM COMMUNITY COLLEGE
 Meetings MISC 01-03-101
 MISC **01-12-045**

WILDLIFE
 (See **FISH AND WILDLIFE, DEPARTMENT OF**)

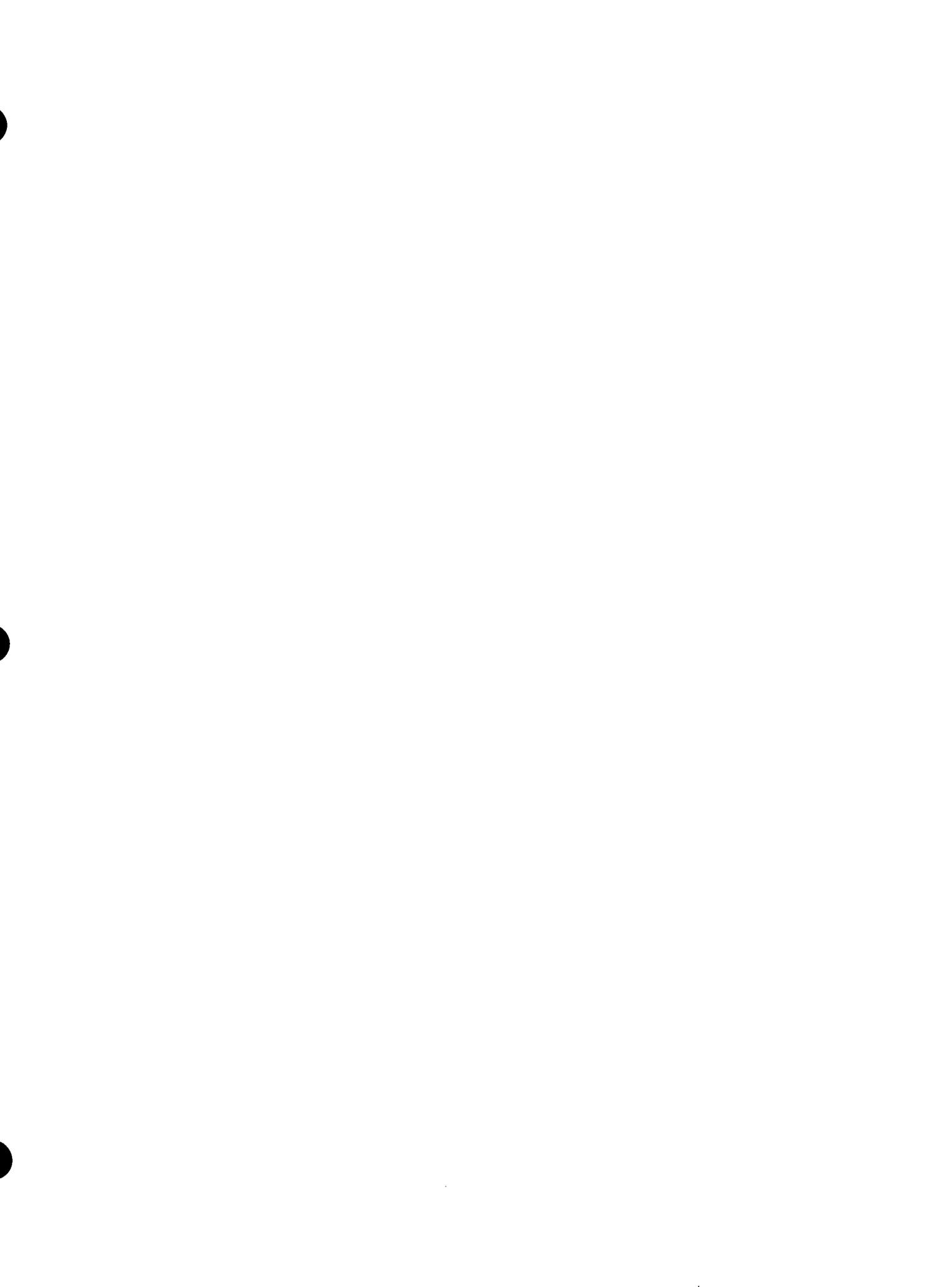
WORKERS' COMPENSATION
 (See **LABOR AND INDUSTRIES, DEPARTMENT OF**)

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD
 Meetings MISC 01-01-105
 MISC 01-10-037
 MISC 01-10-079
 PERM 01-01-141

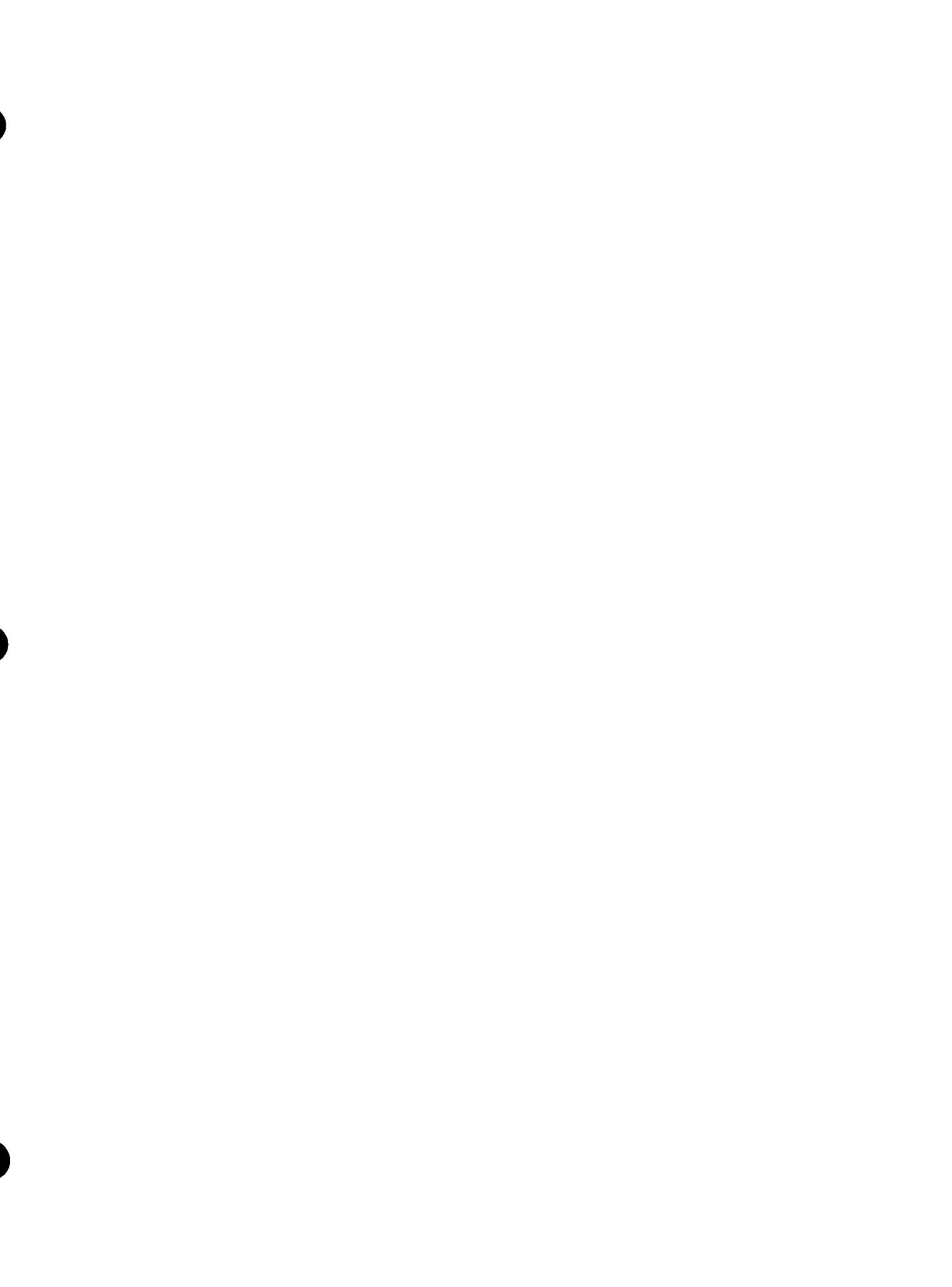
Policy statement
 Tuition recovery trust fund

YAKIMA REGIONAL CLEAN AIR AUTHORITY
 Carbon monoxide nonattainment area PERM 01-05-087

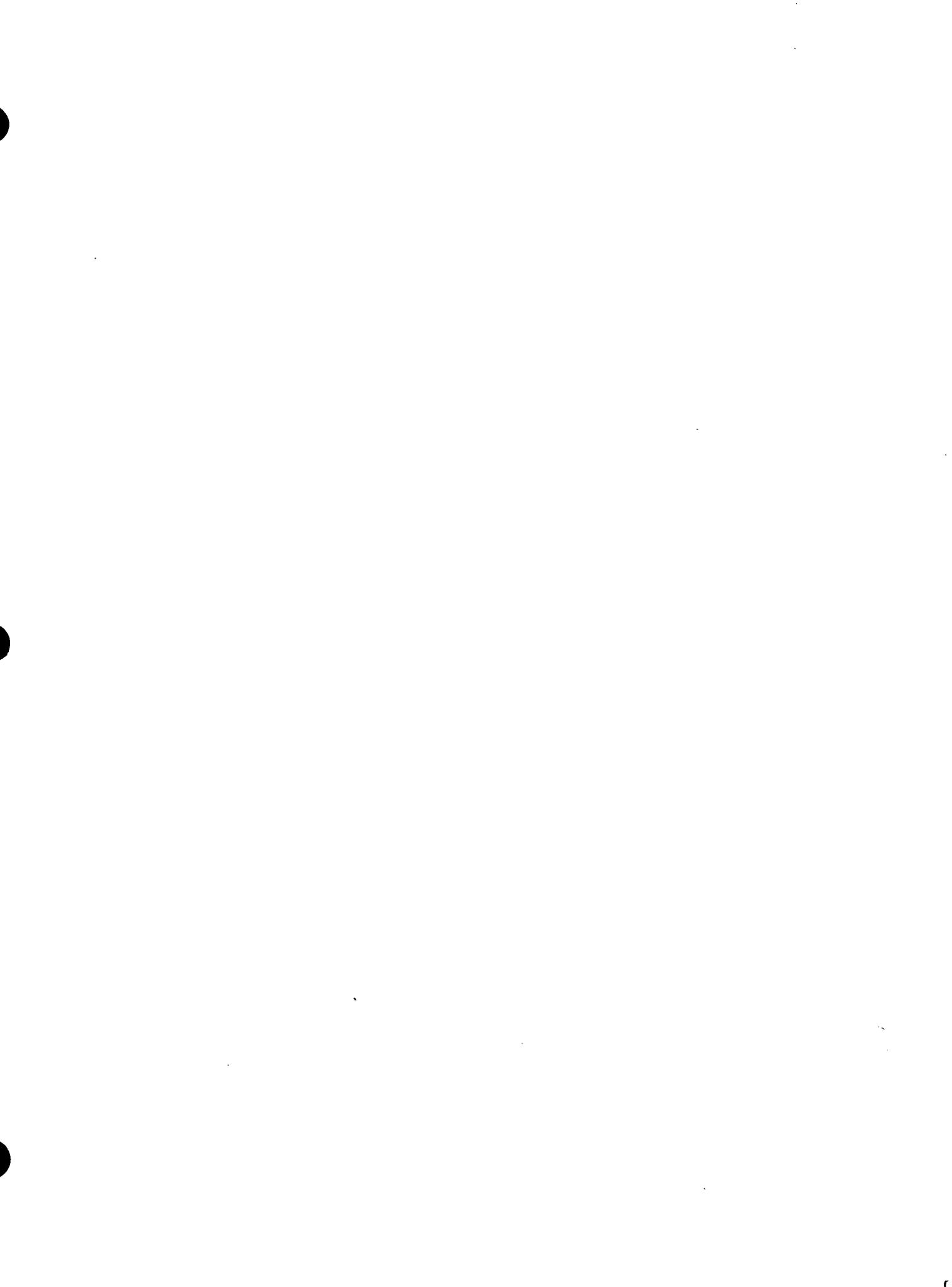












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