

**WSR 21-17-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CENTRAL WASHINGTON UNIVERSITY**

[Filed August 4, 2021, 4:01 p.m.]

Subject of Possible Rule Making: Central Washington University intends to adopt rules establishing an administrative withdrawal policy and appeal procedures for students who are incapacitated or who, with or without reasonable accommodations, are unable or unwilling to participate in the educational program without risking harm to themselves or others or substantially disrupting the educational environment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120; and the Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules would provide for a nondisciplinary, nondiscriminatory procedure, with notice and appeal rights, for administratively withdrawing a student who is incapacitated or who is unable with reasonable accommodations to participate safely in the educational program.

Process for Developing New Rule: Initial review and drafting by an ad hoc campus policy committee, followed by review through normal university policy review procedures, notices in campus publications, APA notice and public comment procedures, and final approval by board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly J. Dawson, Office of the President, Central Washington University, 400 East University Way, Ellensburg, WA 98926-7501, phone 509-963-2111, email kimberly.dawson@cwu.edu.

August 4, 2021  
 Kimberly J. Dawson  
 Rules Coordinator

**WSR 21-17-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CENTRAL WASHINGTON UNIVERSITY**

[Filed August 4, 2021, 4:02 p.m.]

Subject of Possible Rule Making: Central Washington University intends to adopt rules amending the student conduct code, chapter 106-120 WAC, and adopting related amendments to WAC 106-08-050 concerning brief adjudication proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120; and the Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update, clarify, and streamline student conduct code standards and procedures, as well as to incorporate federal requirements relating to sexual harassment and sexual misconduct, including Title IX, the Violence Against Women Act, and Clery Act amendments.

Process for Developing New Rule: Initial review and drafting by student conduct administrators, followed by review through normal university policy review procedures, notices in campus publications, APA notice and public comment procedures, and final approval by board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly J. Dawson, Office of the President, Central Washington University, 400 East University Way, Ellensburg, WA 98926-7501, phone 509-963-2111, email kimberly.dawson@cwu.edu.

August 4, 2021  
 Kimberly J. Dawson  
 Rules Coordinator

**WSR 21-17-014**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 5, 2021, 1:50 p.m.]

This memo serves as notice that the board of osteopathic medicine and surgery (board) is withdrawing the CR-101 to create new rule sections (in chapter 246-853 WAC) to regulate the use of telemedicine, which was filed August 27, 2020, and published in WSR 20-18-039.

The board is withdrawing this CR-101 because the rules may be premature in consideration of legislative changes in the area of telemedicine that have occurred and anticipated changes due in the next legislative session.

Individuals requiring information on this rule should contact Tracie Drake, program manager for the board of osteopathic medicine and surgery at 360-236-4766.

Tami M. Thompson  
 Regulatory Affairs Manager

**WSR 21-17-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed August 6, 2021, 3:18 p.m.]

Subject of Possible Rule Making: WAC 388-437-0005 Changes to food assistance in response to the COVID-19 pandemic, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.500, 74.04.510, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned adoption of this rule is required to implement provisions from an April 1, 2021, memo issued by the United States Department of Agriculture's Food and Nutrition Service (FNS) containing guidance for the Families First Coronavirus Response Act (H.R. 6201, Section 2302) to issue a minimum emergency food assistance allotment of \$95 to all eligible households, and to align

department policies with an April 21, 2021, clarification issued by FNS which states that households receiving a zero benefit are not eligible for emergency adjustments to food benefit issuances implemented under the Families First Coronavirus Response Act (H.R. 6201, Section 2302).

These amendments will consolidate emergency WAC 388-437-0002 What is the minimum emergency food assistance allotment an assistance unit may receive? into WAC 388-437-0005 Changes to food assistance in response to the COVID-19 pandemic.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Budde, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504, phone 360-764-0068, fax 360-725-4905, email patrick.budde@dshs.wa.gov.

August 6, 2021  
Katherine I. Vasquez  
Rules Coordinator

### WSR 21-17-029

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 9, 2021, 8:36 a.m.]

Subject of Possible Rule Making: The employment security department (ESD) is engaging in rule making regarding whether the emergency rules adopted during the COVID-19 response should be made permanent. The emergency rules cover claimants subject to waiting week waivers, pandemic emergency unemployment compensation and pandemic unemployment assistance waivers, and standby eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February of 2020, Governor Inslee proclaimed a state of emergency in Washington regarding COVID-19. The department filed a series of emergency rules in order to support the state's emergency response. The department is now seeking input from the public regarding which of those emergency rules should be made permanent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insur-

ance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rule-making/benefits>.

August 9, 2021  
Dan Zeitlin  
Employment Security Policy Director

### WSR 21-17-040

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 9, 2021, 3:06 p.m.]

Subject of Possible Rule Making: Chapter 246-275 WAC, Onsite nonpotable water systems. The department of health (department) is considering adopting a new rule chapter to implement ESHB 1184 (chapter 156, Laws of 2021) to establish risk-based water quality standards for the onsite treatment of nonpotable alternative water sources for nonpotable end uses and construction standards to achieve the risk-based framework water quality standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.46.200; and ESHB 1184 (chapter 156, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will allow for the use of locally issued building permits, rather than waivers, for the onsite treatment of nonpotable alternative water sources for nonpotable end uses, including toilet and urinal supply water, clothes washing, irrigation, and dust suppression. Adopted standards may be necessary to provide uniform water quality and construction standards across the state for multifamily residential, commercial, and mixed-use buildings, and district-scale projects, including a mix of multifamily residential, commercial, and mixed-use buildings. The department will consider applicable national standards as part of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of ecology, Washington state building code council, and the Washington state department of labor and industries.

Process for Developing New Rule: Collaborative rule making through application of National Blue Ribbon Commission for Onsite Nonpotable Water System model rules and consultation with affected agencies and stakeholders. Rule-making notices will be delivered via GovDelivery to

various general interest and environmental public health lists. To receive notices, interested persons may sign up for any or all lists at <https://public.govdelivery.com/accounts/WA/DOH/subscriber/new>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian A. Sayrs, Department of Health, 16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, phone 509-326-2212, TTY 711, email [brian.sayrs@doh.wa.gov](mailto:brian.sayrs@doh.wa.gov); or Jocelyn Jones, Department of Health, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3020, TTY 711, email [jocelyn.jones@doh.wa.gov](mailto:jocelyn.jones@doh.wa.gov).

August 9, 2021  
Kristin Peterson, JD  
Deputy Secretary  
Policy and Planning  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 21-17-044**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed August 10, 2021, 8:54 a.m.]

The developmental disabilities administration is withdrawing preproposal statement of inquiry WSR 21-16-046 filed on July 28, 2021, WAC 388-823-0730, regarding evidence verification requirements.

Katherine I. Vasquez  
Rules Coordinator

**WSR 21-17-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed August 10, 2021, 8:55 a.m.]

Subject of Possible Rule Making: WAC 388-823-0500, 388-823-0720, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to correct errors recently adopted under WSR 21-13-164. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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 should contact the staff person identified below. At a later date,

DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email [chantelle.diaz@dshs.wa.gov](mailto:chantelle.diaz@dshs.wa.gov).

August 10, 2021  
Katherine I. Vasquez  
Rules Coordinator

**WSR 21-17-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF ACCOUNTANCY**  
[Filed August 10, 2021, 9:21 a.m.]

Subject of Possible Rule Making: WAC 4-30-028 What rules govern the proceedings before the board?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule change is to clarify how the board enforces the sanctions contained in board orders.

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, Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email [Kirsten.donovan@acb.wa.gov](mailto:Kirsten.donovan@acb.wa.gov), website <https://acb.wa.gov/>.

August 10, 2021  
David E. Trujillo, CPA  
Executive Director

**WSR 21-17-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(Division of Child Support)  
[Filed August 10, 2021, 9:21 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend or add new sections in chapter 388-14A WAC to implement SHB 1416 as enacted during the 2021 legislative session (chapter 168, Laws of 2021). SHB 1416 establishes a requirement that insurance companies report claim settlements to DCS, which gives DCS time to intercept settlements and apply the funds to unpaid child support debts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055;

SHB 1416, chapter 168, Laws of 2021 (codification pending).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement this legislation in order to provide guidance and outline relevant procedures for insurance companies to comply with the new reporting requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein at the DSHS DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS economic services administration's policy review website, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rule-making forms and draft rules may also be found on the DSHS filings and rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brady Horenstein, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email [Brady.Horenstein@dshs.wa.gov](mailto:Brady.Horenstein@dshs.wa.gov).

August 10, 2021  
Katherine I. Vasquez  
Rules Coordinator

### WSR 21-17-050

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Podiatric Medical Board)  
[Filed August 10, 2021, 10:23 a.m.]

Subject of Possible Rule Making: WAC 246-922-300 Podiatric continuing education required and 246-922-310 Categories of creditable podiatric continuing education activities. The podiatric medical board is considering amendments to update and clarify the continuing education rules for podiatric physicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The podiatric medical board (board) is considering amendments to update and clarify existing continuing medical education (CME) regulations. The board routinely receives questions related to acceptable CME, as well as acceptance of electronically transmitted

CME offerings. The board will consider rule amendments to update and clarify existing CME regulations and include any necessary housekeeping changes.

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 Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 711, email [podiatric@doh.wa.gov](mailto:podiatric@doh.wa.gov), website [www.doh.wa.gov/podiatry](http://www.doh.wa.gov/podiatry), <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: The board will use the existing GovDelivery list to inform stakeholders of opportunities to provide input on proposed rule language. Interested parties can join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

August 9, 2021  
Renee Fullerton  
Executive Director

### WSR 21-17-053

#### PREPROPOSAL STATEMENT OF INQUIRY BELLINGHAM TECHNICAL COLLEGE

[Filed August 10, 2021, 1:07 p.m.]

Subject of Possible Rule Making: Revise WAC 495B-121-390 to update new appeal provision[s] that provide more granular description of the appeal process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff, and visitors clear direction on college processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email [rlaughterlin@btc.edu](mailto:rlaughterlin@btc.edu), website [www.btc.edu](http://www.btc.edu).

August 10, 2021  
Ronda Laughlin  
Executive Assistant  
to the President

**WSR 21-17-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 (Division of Child Support)  
 [Filed August 10, 2021, 3:29 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend sections in chapter 388-14A WAC to increase efficiency and better serve our customers regarding eliminating joint noncustodial parent (JNCP) cases. A JNCP case is one where both parents are married and residing together and the child is not in the home.

DCS is amending WAC 388-14A-3140 What can happen at a hearing on a support establishment notice?, 388-14A-8100 Are there special rules for setting child support for children in foster care?, and 388-14A-8130 How does DCS complete the WSCSS worksheets when setting a joint child support obligation?

In order to carry out this rule making, DCS may also amend, repeal, or adopt other sections of chapter 388-14A WAC as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: DCS rule making is authorized under RCW 26.23.-110, 34.05.220, 74.08.090, 74.20A.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The establishment of a joint and several administrative child support order does not work well when the goal of family reunification and the fluid nature of reunification plans are taken into account. Married parents often choose to separate (or are required to separate) so that the child can return to the home of one of them. The obligation of the parent with physical custody is suspended by WAC 388-14A-3810, leaving the parent out of the home bearing the full brunt of the joint and several administrative order, further impacting reunification efforts. When the parent out of the home seeks to modify the joint and several order, it is sometimes modified only as to that particular parent, leaving the first parent still subject to the joint and several order if the child ever leaves the first parent's custody. This result does not align with DCS's efforts to establish and enforce right size orders and can result in harm to families. To resolve this, DCS is changing its policy and will no longer be setting up joint obligations for married parents living together where the child is not living in the home.

The proposed change will allow DCS to discontinue the practice of setting up and enforcing JNCP cases.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein at the DSHS DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS economic services administration's policy review website, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rule-making forms and draft rules may also be found on the DSHS filings and rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brady Horenstein, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email [Brady.Horenstein@dshs.wa.gov](mailto:Brady.Horenstein@dshs.wa.gov).

August 10, 2021  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 21-17-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 11, 2021, 8:22 a.m.]

Subject of Possible Rule Making: The employment security department is engaging in rule making regarding the verification of underlying health conditions for unemployment claims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.20.050 (2)(b)(xii)(C)(II) provides specific rule-making authority for verifying underlying health conditions. RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5061 (2021) provides, among other things, good cause to leave work when during a public health emergency, the claimant was unable to perform their work for the employer from the claimant's home; the claimant is able and available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and the claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor of a disease that is the subject of a public health emergency. ESSB 5061, section 10, chapter 2, Laws of 2021 (codified at RCW 50.20.050 (b)(xii)(C)(II)). ESSB 5061 (2021) also provides that during the weeks of a public health emergency, an unemployed individual may meet the availability requirements of RCW 50.20.010 (1)(c) if they are able and available to perform, and actively seeking, suitable work which can be performed for an employer from the individual's home; and if the unemployed individual or another individual residing with the unemployed individual is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual has an underlying condition, verified as required by the department

by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency. Section 8, chapter 2, Laws of 2021 (codified at RCW 50.20.010 (4)(b)(ii)).

The rule making will detail how the department will verify underlying health conditions for purposes of RCW 50.20.010 (4)(b)(ii) and 50.20.050 (2)(b)(xii)(C)(II).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rule-making/benefits>.

August 11, 2021  
Dan Zeitlin  
Employment Security  
Policy Director

**WSR 21-17-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed August 11, 2021, 1:40 p.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values—2021 and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.140 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.140(3). The department anticipates amending the forest land values rule (WAC 458-40-540) to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2022.

RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to appraise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the first half of 2022.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate

forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but it is not necessary to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Arnold, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1574, fax 360-534-1606, TTY 800-833-6384, email JenniferA@dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting. Written comments may be submitted by email and should be directed to Jennifer Arnold using one of the contact methods above. Written and oral comments will be accepted at the public meeting on October 19, 2021, at 9:00 a.m. Telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

August 11, 2021  
Atif Aziz  
Rules Coordinator

**WSR 21-17-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)

[Filed August 11, 2021, 2:23 p.m.]

Subject of Possible Rule Making: WAC 388-845-2110 and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend this rule to update the criteria for who can access supported employment services, remove outdated services, and replace outdated service names. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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 should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310,

Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

August 11, 2021  
Katherine I. Vasquez  
Rules Coordinator

**WSR 21-17-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 11, 2021, 3:12 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0015 Need standards for cash assistance, and other rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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 should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-522-2214, fax 360-725-4905, email roddisl@dshs.wa.gov.

August 11, 2021  
Katherine I. Vasquez  
Rules Coordinator

**WSR 21-17-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF TAX APPEALS**

[Filed August 12, 2021, 1:31 p.m.]

Subject of Possible Rule Making: Chapter 459-12 [456-12] WAC, Administrative processes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 82.03 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This section has not been updated in almost 20 years and is not consistent with current procedure, the Public Records Act and the Open Public Meetings Act.

Process for Developing New Rule: Updating rule internally.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Keri Lamb, Clerk, Washington State Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, phone 360-753-5446, email bta@bta.wa.gov, website <https://bta.wa.gov>.

August 12, 2021  
Andrea Vingo  
Hearings Officer

**WSR 21-17-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF TAX APPEALS**

[Filed August 12, 2021, 1:35 p.m.]

Subject of Possible Rule Making: Chapter 459-11 [456-11] WAC, [Hearings—]Practice and procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 82.03 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This section contains only one provision which the agency intends to incorporate into another part of Title 459 [456] WAC et seq.

Process for Developing New Rule: Updating rule internally.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Keri Lamb, Clerk, Washington State Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, phone 360-753-5446, email bta@bta.wa.gov, website <https://bta.wa.gov>.

August 12, 2021  
Andrea Vingo  
Hearings Officer

**WSR 21-17-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF TAX APPEALS**

[Filed August 12, 2021, 1:36 p.m.]

Subject of Possible Rule Making: Chapter 459-09 [456-09] WAC, Formal hearings—Practice and procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 82.03 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This section needs to be updated and made more readable, in addition to making it consistent with other sections of Title 459 [456] WAC et seq.

Process for Developing New Rule: Updating rule internally.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Keri Lamb, Clerk, Washington State Board of Tax Appeals, P.O. Box 40915, Olympia, WA 98504-0915, phone 360-753-5446, email bta@bta.wa.gov, website <https://bta.wa.gov>.

August 12, 2021  
 Andrea Vingo  
 Hearings Officer

**WSR 21-17-078**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 12, 2021, 3:43 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the Preproposal statement of inquiry CR-101, for chapter 246-811 WAC, which was filed May 4, 2018, and published as WSR 18-11-030.

The department is withdrawing this CR-101 because language used in the form is now obsolete. Since WSR 18-11-030 was filed, rule making has been completed under a separate CR-101 to change the profession's title from "chemical dependency professionals" to "substance use disorder professionals" and complete other rule amendments, making this CR-101 incompatible with future rule-making needs.

Individuals requiring information on this rule should contact Ted Dale by email at [ted.dale@doh.wa.gov](mailto:ted.dale@doh.wa.gov) or by phone at 360-236-2991.

Tami M. Thompson  
 Regulatory Affairs Manager

**WSR 21-17-080**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 12, 2021, 4:11 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the Preproposal statement of inquiry CR-101, for WAC 246-928-XXX in chapter 246-928 WAC, Respiratory care practitioners, which was filed August 17, 2010, and published as WSR 10-17-099.

The department is withdrawing this CR-101 because language used in the form is outdated and too limited to serve current rule-making needs. Since WSR 10-17-099 was filed, legislation was passed that requires the department to address several issues through rule making, only one of which could be addressed by rule making pursuant to WSR 10-17-099. For the sake of efficiency, the department will rescind [withdraw] WSR 10-17-099 and complete all necessary rule making under a single new rule package.

Individuals requiring information on this rule should contact Ted Dale by email at [ted.dale@doh.wa.gov](mailto:ted.dale@doh.wa.gov) or by phone at 360-236-2991.

Tami M. Thompson  
 Regulatory Affairs Manager

**WSR 21-17-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed August 13, 2021, 2:37 p.m.]

Subject of Possible Rule Making: Chapter 179-09 WAC, Fundamental course of study requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.413 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The paraeducator board is tasked with oversight and regulation of rules regarding paraeducator in-service training. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 Jack Busbee, 600 Washington Street S.E., phone 360-725-6275, email [rulesPESB@k12.wa.us](mailto:rulesPESB@k12.wa.us), website [pesb.wa.gov](http://pesb.wa.gov).

August 13, 2021  
 Jack Busbee  
 Rules Coordinator

**WSR 21-17-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 13, 2021, 3:18 p.m.]

Subject of Possible Rule Making: Chapter 392-162 WAC, Special service program—Learning assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.165.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to revise chapter 392-162 WAC concerning the learning assistance program (LAP) to (1) align the rules with the amended requirements under chapter 28A.165 RCW through the passage of HB 1208; (2) clarify requirements in HB 1208, including specific guidance on the use of the Washington integrated student supports protocol for determining LAP services; and (3) provide regulatory guidelines to districts who choose to use learning assistance program funds to implement the K-2 literacy screening and intervention requirements under RCW 28A.320.260.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Miller, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6232, TTY 360-664-3631, email Jason.Miller@k12.wa.us, website k12.wa.us; or Jon Mishra, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6339, TTY 360-664-3631, email Jon.Mishra@k12.wa.us, website k12.wa.us.

August 13, 2021  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

**WSR 21-17-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 16, 2021, 9:15 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-424-0001 Citizenship and alien status—Definitions, 388-466-0005 Immigration status requirements for refugee assistance, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to allow special immigrants from Iraq and Afghanistan, who entered the United States as parolees (under Section 602 (B)(1) of Afghan Allies Protection Act of 2009 or Sec. 1059(a) of National Defense Authorization Act), to be eligible for federally funded benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will coordinate review of proposed rule making with the health care authority.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing these rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4641, fax 360-725-4905, email olga.walker@dshs.wa.gov.

August 16, 2021  
Katherine I. Vasquez  
Rules Coordinator

**WSR 21-17-110**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Filed August 16, 2021, 1:41 p.m.]

Subject of Possible Rule Making: Implementation of Hydrofluorocarbons—Emissions reduction (E2SHB 1050), chapter 315, Laws of 2021.

Ecology is beginning rule making to amend two existing rules:

- Chapter 173-443 WAC, Hydrofluorocarbons (HFCs).
- Chapter 173-455 WAC, Air quality fee rule.

This rule making may:

- Establish maximum global warming potential (GWP) thresholds for HFCs used in new stationary refrigeration and air conditioning equipment.
- Establish a refrigerant management program with registration, leak detection, and reporting requirements for certain stationary refrigeration and air conditioning systems.
- Amend product labeling and disclosure requirements.
- Establish fees to support the refrigerant management program.
- Update chapter 173-443 WAC to reflect other changes in the law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Hydrofluorocarbons—Emissions reduction (E2SHB 1050), chapter 315, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislation requires ecology to adopt rules that:

- Implement a maximum GWP threshold for HFCs used in new equipment in ice rinks.
- Establish a refrigerant management program for large stationary refrigeration and air conditioning systems.
- Amend product labeling and disclosure requirements.
- Update chapter 173-443 WAC to reflect other changes in the law.

The legislation authorizes ecology to adopt rules that:

- Implement maximum GWP thresholds for new stationary refrigeration and air conditioning equipment.
- Establish reporting, labeling, and recordkeeping requirements.
- Establish service practices for stationary refrigeration and air conditioning systems.
- Establish fees to support the refrigerant management program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: California regulates existing nonresidential refrigeration systems through its refrigerant management program. EPA regulates existing nonresidential refrigeration and air conditioning systems through its refrigerant management regulations under Section 608 of the Clean Air Act. Ecology will coordinate with both entities as needed throughout the rule-making process.

California is adopting regulations that limit the GWP of refrigerants used in new stationary refrigeration and air conditioning equipment. Ecology will coordinate with California and any other states that are considering adding similar restrictions throughout the rule-making process.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Kildahl [Kildahl], Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-7655, for Washington relay service or TTY call 711 or 877-833-6341, email [linda.kildahl@ecy.wa.gov](mailto:linda.kildahl@ecy.wa.gov), website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-443-455>, [Hydrofluorocarbons-HFCs@listserv.wa.gov](mailto:Hydrofluorocarbons-HFCs@listserv.wa.gov).

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

August 16, 2021  
Kathy Taylor  
Air Quality Program Manager

**WSR 21-17-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 17, 2021, 10:07 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance. Pension tables, pension discount rate and mortality tables, WAC 296-14-8810.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.44.070(1), 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The pension discount rate (PDR) is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. The purpose of this rule making is to lower the PDR for annual investment returns for the reserve funds for self-insured employers.

This rule making will consider reducing the PDR from 5.8 percent to 5.7 percent for self-insurance.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email [suzanne.campbell@Lni.wa.gov](mailto:suzanne.campbell@Lni.wa.gov).

August 17, 2021  
Joel Sacks  
Director

**WSR 21-17-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Dental Quality Assurance Commission)  
[Filed August 17, 2021, 10:53 a.m.]

Subject of Possible Rule Making: WAC 246-817-195 Licensure requirements for expanded function dental auxiliaries (EFDAs). The dental quality assurance commission (commission) is considering rule amendments to remove the current requirement for expanded function dental auxiliaries (EFDA) to place and finish amalgam restoration on clinical patients as part of their education in order to be licensed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.260.050, and 18.260.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current commission approved EFDA education program curriculum under WAC 246-817-195 (4)(a)(ii) must include placing and finishing amalgam restoration on clinical patients. The commission discussed the difficulty for EFDA students to locate dentists whom routinely place amalgam to meet this requirement. Composite restorations are more common in dentistry although amalgam is still used in dentistry.

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 Jennifer D. Santiago, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 711, email [Jennifer.santiago@doh.wa.gov](mailto:Jennifer.santiago@doh.wa.gov), website [doh.wa.gov/dental](http://doh.wa.gov/dental), [dental@doh.wa.gov](mailto:dental@doh.wa.gov).

Additional comments: Interested parties may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscribe/r/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

August 17, 2021  
Jennifer Santiago  
Acting Executive Director

**WSR 21-17-121**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 17, 2021, 12:31 p.m.]

Subject of Possible Rule Making: The department is considering adding a new section in chapter 388-107 WAC, Licensing requirements for enhanced services facilities, and

amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.97.100 Licensing requirements—Information available to public, residents, families, 70.97.230 Rules for implementation of chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The amendments to chapter 388-107 WAC will reestablish inspection timelines and identify the period of time that inspections were held in suspension during the COVID-19 pandemic, in accordance with Governor Proclamation 20-18.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Libby Wagner, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 360-464-0487, email libby.wagner@dshs.wa.gov.

August 17, 2021  
Katherine I. Vasquez  
Rules Coordinator

### WSR 21-17-123

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed August 17, 2021, 12:52 p.m.]

Subject of Possible Rule Making: The department is considering adding a new section in chapter 388-78A WAC, Assisted living facility licensing rules, and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090 Rules, regulations, and standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The amendments to chapter 388-78A WAC will reestablish inspection timelines and identify the period of time that inspections were held in suspension during the COVID-19 pandemic, in accordance with Governor Proclamation 20-18.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Libby Wagner, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 360-464-0487, email libby.wagner@dshs.wa.gov.

August 17, 2021  
Katherine I. Vasquez  
Rules Coordinator

### WSR 21-17-125

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 17, 2021, 1:52 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending minimum cash on hand requirements, including how licensees will maintain funds and pay out prizes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission received a petition requesting that operators running house-banked jackpots be allowed to keep required jackpot money in a separate, off-site bank account rather than on premises. This change would address operator and player safety concerns. Additional rules may be needed to address maintaining funds and paying out prizes.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

August 17, 2021  
Ashlie Laydon  
Rules Coordinator

### WSR 21-17-135

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 17, 2021, 5:02 p.m.]

Subject of Possible Rule Making: Ambient heat exposures in all industries, current requirements for outdoor heat exposure are under WAC 296-62-095 through 296-62-09560, General occupational health standards—Outdoor heat exposure, and WAC 296-307-097 through 296-307-09760, Agriculture safety standards—Outdoor heat exposure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2008, the department of labor and industries (L&I) adopted a rule for the control of outdoor heat exposure for all employers with employees performing work in an outdoor environment. In 2009, L&I incorporated the rules into the agriculture safety standard under chapter 296-307 WAC as requested by stakeholders. The current rules require employers with employees working outdoors to: Address outdoor heat exposures as part of their written accident prevention program, ensure that drinking water is readily accessible in sufficient quantity for workers to drink at least one quart of water per hour, respond to signs and symptoms of heat-related illness, and provide training to employees and supervisors. The current rules, in effect annually from May 1 through September, apply when the temperature is at or above 89 degrees Fahrenheit with lower temperature thresholds for work in double-layer woven clothes or nonbreathing clothes.

L&I received a June 28, 2021, petition for rule making requesting changes to L&I's rules to include more specific requirements to prevent heat-related illness. The petition for rule making was accepted recognizing the need to reexamine the current rules, especially in light of information suggesting the occurrence of heat illnesses below the current trigger temperatures and the increasing temperatures experienced in our state since the rule was first established. In addition, L&I also adopted emergency rules on July 9, 2021, to address extreme high heat procedures with requirements for preventative cool-down rest with specific amounts of shade and mandatory cool-down rest periods at 100 degrees Fahrenheit.

This rule making will consider occupational heat exposure hazards from high ambient temperatures in all industries, including outdoor and indoor exposures, and will consider requirements for, but not limited to: Trigger temperatures or another measure of environmental conditions, stress to the human body such as the heat index or wet bulb globe temperature, time frames for when the rule is in effect, preventative measures (such as water, shade or other cooling means, and rest time/breaks), emergency response measures, training, and planning.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carmyn Shute, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-6081, fax 360-902-5619, email Carmyn.Shute@lni.wa.gov, website <https://www.lni.wa.gov/rule-making-activity/>.

August 17, 2021

Joel Sacks  
Director

## WSR 21-17-136

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 18, 2021, 9:23 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is considering amending and expanding the Japanese beetle quarantine to include portions of Yakima County, Benton County, and other areas of the state found to be infested. The current quarantine specified in chapter 16-470 WAC is solely an exterior quarantine that applies to over 30 states, encompassing most of the Midwest, South, and Northeast areas of the United States.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Japanese beetle (*Popillia japonica*) is a highly invasive plant pest native to Japan. It has been known to cause severe damage to more than 300 species of ornamental and agricultural plants, including roses, grapes, and hops. Adult beetles damage plants by skeletonizing foliage and feeding on buds, flowers, and fruit. The larvae also damages the roots of plants, such as turf grass. Although this feeding does not always kill the plant, it weakens it and may reduce the plant's overall yield.

Since June 2021, the department has collected thousands of Japanese beetles in traps around the city of Grandview in Yakima County. A large number of beetles were also collected from traps in nearby Benton County, indicating an established population in these areas. Its presence poses a serious threat to gardens, parks, and farms by destroying vegetation. If Japanese beetles were to become permanently established throughout the state, it could threaten a number of Washington's agricultural industries. The threat this pest poses is particularly concerning, due to the area in which the detection occurred. There are a number of farms and nurseries in close proximity to the detection site that are growing plants targeted by Japanese beetles.

Not only do these beetles pose a threat to the plants themselves, but if established they have the potential to impact export markets for agricultural commodities grown in the area. Expanding the Japanese beetle quarantine to include portions of Yakima and Benton counties is intended to prevent the spread of this invasive pest and protect Washington's agricultural industries, as well as maintain access to national and international markets.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (USDA). The department is coordinating this quarantine with USDA and the National Plant Board, following guidance found in the "National Plant Board Japanese Beetle Harmonization Plan." This plan is signed by USDA and outlines requirements for preventing the interstate movement of Japanese beetles from infested states.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the

public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email [bwhite@agr.wa.gov](mailto:bwhite@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email [ghaubrich@agr.wa.gov](mailto:ghaubrich@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>.

August 18, 2021  
Brad White  
Assistant Director

### WSR 21-17-137

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 18, 2021, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National Handbooks, sale of motor fuel, and penalties for violations. The department is considering amendments outlined in chapter 238, Laws of 2021 (2SSB 5192) regarding electric vehicle supply equipment (EVSE). The amendments include:

- Requiring all electric vehicle service providers make available multiple payment methods at all publicly available level 2 EVSE or direct current (DC) fast charger EVSE installed in Washington.
- Establishing requirements for all electric vehicle service providers to, at a minimum, meet and maintain nonproprietary interoperability standards for publicly available level 2 EVSE and DC fast charger EVSE.
- Establishing reasonable registration fees, in addition to the registration fees charged for each EVSE charging port in RCW 19.94.175(1) to cover the remaining costs associated with enforcing EVSE accessibility rules.
- Considering establishing a differential fee to reduce the potential burden of the registration fee for electric vehicle service providers operating less than 25 publicly available EVSE in Washington.
- Establishing reporting requirements, in addition to those specifically referenced in 2SSB 5192, to support compliance with the program.
- Updating the chapter title to reflect that the sale of electric vehicle fuel (equipment and service providers) is now regulated under this chapter.
- Adopting National Institute of Standards and Technology (NIST) Handbook 130 standards related to electric vehicle fueling with potential modifications to achieve state objectives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 238, Laws of 2021 (2SSB 5192); RCW 19.94.010, 19.94.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of agriculture (WSDA) weights and measures program protects consumer rights and confidence in the marketplace by ensuring the accuracy in commercial transactions through testing and inspecting commercial devices, price verification, package inspection, public education, monitoring fuel quality, and investigating complaints.

During the 2021 legislative session, the Washington state legislature passed 2SSB 5192 related to EVSE. This legislation directed WSDA to adopt rules regarding methods of payment and interoperability standards. In addition, the legislation authorized WSDA to adopt rules related to reporting requirements and registration fees.

There are currently over 63,000 electric vehicles registered in Washington, 46,000 of which are battery electric vehicles powered solely by electric energy stored in batteries which must be recharged by an external source. According to the United States Department of Energy's Alternative Fuels Data Center there are currently 1,205 electric vehicle charging stations and 3,589 charging ports in Washington. The most common electric vehicle charging stations for the traveling public are Level 2 and DC fast chargers.

Publicly available EVSE is defined as the EVSE and associated parking space or spaces designated by a property owner to be available to the public. EVSE that meet any of the following criteria are also considered publicly available:

- EVSE designated by the property owner to be available only to customers or visitors of a business or of a charging network;
- EVSE that can be accessed by any member of the public regardless of whether a fee is charged including EVSE located in a parking garage or gated facility; or
- EVSE made available to the public during limited time periods are considered publicly available only during those time periods.

2SSB 5192 also requires WSDA to adopt rules, by January 1, 2023, requiring all EVSE providers make multiple payment methods available at all public Level 2 and DC fast chargers. At a minimum, the rules must provide:

- Deadlines for compliance for Level 2 and DC fast chargers installed before a specific date;
- Deadlines for compliance for Level 2 and DC fast chargers installed after a specific date; and
- Minimum required payment methods that are convenient and reasonably support access for all current and future users.

2SSB 5192 also requires WSDA to adopt rules, by January 1, 2023, establishing requirements for all EVSE to, at a minimum, meet and maintain nonproprietary interoperability standards for Level 2 and DC fast chargers. The requirements may not provide the purchase or license of proprietary technology or software from any other company and may not require companies to maintain interoperability agreements with other companies. Interoperability means the ability of

hardware, systems, software, or a communication network provided by one service provider to interact with and exchange information, including payment information, between hardware, software, or a communication network provided by a different service provider.

2SSB 5192 gives WSDA authority to establish an additional reasonable registration fee to cover the remaining costs associated with enforcing requirements related to EVSE.

The purpose of NIST Handbook 130 is to achieve, to the maximum extent possible, uniformity in weights and measures, laws, and regulations among the various states and local jurisdictions. WSDA generally adopts NIST Handbook 130 with modifications as necessary to meet the needs of Washington state. One such modification has been to hold off on adopting any EVSE related requirements until they are determined as necessary. The NIST Handbook 130 code on EVSEs was added to the handbook in 2013 and closely aligns with some of the requirements in 2SSB 5192. WSDA is considering adoption of the handbook sections on EVSE and potential modification to achieve consistency in weights and measures regulations between states.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSDA is meeting with the utilities and transportation commission and the department of commerce to collaborate on the proposed rule.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email [bwhite@agr.wa.gov](mailto:bwhite@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>; or Timothy Elliott, Motor Fuel Quality Enforcement Manager, Weights and Measures Program, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1984, fax 360-902-2094, TTY 800-833-6388 or 711, email [TElliott@agr.wa.gov](mailto:TElliott@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>.

August 18, 2021  
Brad White  
Assistant Director

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the process when a LEOFF Plan 2 disability retiree returns to work.

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 Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), website [www.drs.wa.gov/rules/](http://www.drs.wa.gov/rules/).

August 18, 2021  
Jilene Siegel  
Rules Coordinator

**WSR 21-17-139**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed August 18, 2021, 10:35 a.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' (LEOFF) Plan 2 return from disability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.