

**WSR 13-11-010****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed May 2, 2013, 3:18 p.m.]

Subject of Possible Rule Making: Revision of WAC 468-38-073(6) Measurement exclusive devices.

Authorize the Washington state department of transportation increase the weight exception to an auxiliary power unit. Currently 400 pounds increase to 550 pounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.098 and 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of the rule is to comply with Federal MAP-21 - Moving Ahead for Progress in the 21st Century. A section of which authorizes increasing the weight exception to an auxiliary power unit for exhaust emission reduction. The new 550 pounds exception will comply with the federal limit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Meet with following agencies and sections:

Federal Highway Administration, as they set the limit for the weight exception.

Washington state patrol, commercial vehicle division, as they will be enforcing this provision.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6350, wrightji@wsdot.wa.gov.

May 2, 2013

Kathryn W. Taylor  
Chief of Staff**WSR 13-11-031****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES**

[Filed May 9, 2013, 3:27 p.m.]

Subject of Possible Rule Making: WAC 131-48-010 through 131-48-140, governing the certificate of educational competence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are required due to legislation (HB 1686) adopted during the 2013 regular session of the legislature that amended several RCWs to eliminate the reference to GED.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The high school equivalency credential is awarded jointly by the state board for community and technical col-

leges and the office of the superintendent of public instruction (OSPI). HB 1686 was discussed and approved by OSPI.

Other state agencies or institutions currently have rules that reference GED, such as OSPI, DSHS, department of ecology, health care authority, department of labor and industries, and the department of licensing that will need to amend their WACs. Sine [Since] this is to amend rules, additional rule making is not necessary.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jon Kerr, 1300 Quince Street S.E., P.O. Box 42495, Olympia, WA 98504, e-mail jkerr@sbctc.edu, phone (360) 704-4326.

May 9, 2013

Beth Gordon

Executive Assistant  
and Rules Coordinator**WSR 13-11-040****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed May 10, 2013, 3:59 p.m.]

Subject of Possible Rule Making: Chapter 246-650 WAC, Newborn screening, the Washington state board of health (board) is considering adding severe combined immune deficiency (SCID) to the list of mandatory conditions for newborn screening (NBS) conducted by the department of health (department).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.83.030 and 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Health and Human Services recommended SCID be included in all states' NBS programs. In response, the board and the department convened a NBS advisory committee to review SCID against a set of criteria that helps the board determine which conditions newborns should be screened for in Washington state. The board accepted the NBS advisory committee's recommendation that SCID be included in the NBS panel contingent on finding sustainable funding. SCID is typically fatal in the first years of life. Early detection through NBS allows affected infants to receive bone marrow transplant before damage is caused by the disorder and while the child can still be cured of the condition.

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; the board and the department used a NBS advisory committee to evaluate whether SCID met the board's criteria for inclusion as one of the conditions that newborns are screened for at birth. The board accepted the recommendation, and now wants to proceed with rule making to assure that rules are in place to allow the testing to take place as soon as funding is available.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tara Wolff, 101 Israel Road S.E., Tumwater, WA 98504, phone (360) 236-4101, fax (360) 236-4088, e-mail [tara.wolff@doh.wa.gov](mailto:tara.wolff@doh.wa.gov); or Michael Glass, Director Newborn Screening, Washington Department of Health, 1610 N.E. 150th Street, Shoreline, 98155, phone (206) 418-5470, fax (206) 418-5415, e-mail [mike.glass@doh.wa.gov](mailto:mike.glass@doh.wa.gov). Presentations to the board and the board's motion are available at the board's web site <http://sbob.wa.gov>.

May 10, 2013  
Michelle A. Davis  
Executive Director

### WSR 13-11-045

#### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed May 13, 2013, 12:27 p.m.]

Subject of Possible Rule Making: Amend WAC 192-310-030(1) Penalty for late tax reports, to clarify that the \$25.00 penalty for employers who file late tax reports, also applies to employers who file late wage reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 192-310-030(1) currently provides that an employer's account is to be charged \$25.00 when a tax report is filed late. The proposed amendment would clarify that the \$25.00 charge also applies to employers who file late wage reports.

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 (UI) program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rule will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov). Please include your name, organization (if any), mailing address, e-mail address and telephone number.

May 13, 2013  
Dale Peinecke  
Commissioner

### WSR 13-11-062

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 15, 2013, 1:36 p.m.]

Subject of Possible Rule Making: Chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Stakeholders that the department regularly works with requested that existing safety and sanitation standards be amended to update disinfection procedures for facilities and equipment. In addition, school regulations require amendments for safety, sanitation, and record-keeping revisions. The department plans to review these WACs for effectiveness, clarity, intent, and statutory authority. All proposed rule amendments are supported by industry, do not directly impact local government, and meet the exemption criteria outlined in Executive Order 10-06.

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

Process for Developing New Rule: Direct notice will be made to all active licensees under chapter 18.16 RCW, and to the stakeholders' list. Communication with the public will be made through the cosmetology web site and cosmetology listserv. The department of licensing (DOL) welcomes the public to take part in developing rules.

To receive additional information by e-mail, please sign up on the cosmetology listserv at <http://www.dol.wa.gov/business/cosmetology/maillinglist.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting by mail Cameron Dalmas, Cosmetology Program, Business and Professions Division, Department of Licensing, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6643, e-mail [ndalmas@dol.wa.gov](mailto:ndalmas@dol.wa.gov), fax (360) 664-2550. Additional information will be posted on the cosmetology web site as it becomes available at <http://dol.wa.gov/business/cosmetology>.

May 15, 2013  
Damon Monroe  
Rule[s] Coordinator

### WSR 13-11-074

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY (Medicaid Program)

[Filed May 16, 2013, 1:40 p.m.]

Subject of Possible Rule Making: Chapter 182-547 WAC, Hearing aids and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to this chapter are necessary to:

(1) Remove batteries from noncovered and add them to covered;

(2) Clarify that FM systems, including the computer-aided hearing devices for FM systems, are not covered in any situation; and

(3) Make housekeeping fixes such as correcting WAC citations, cross references, and changing "department" to "agency."

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Wendy L. Boedigheimer, P.O. Box 42716, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [wendy.boedigheimer@hca.wa.gov](mailto:wendy.boedigheimer@hca.wa.gov).

May 16, 2013  
Kevin M. Sullivan  
Rules Coordinator

### WSR 13-11-075

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 16, 2013, 1:46 p.m.]

Subject of Possible Rule Making: WAC 308-105-100, updating fee for the enhanced driver's license and enhanced identicard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.202.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6150 (2012) authorized the department to transition from a five-year driver's license and identicard renewal cycle to a six-year cycle. The bill prorated statutory driver's license and identicard fees accordingly. Under RCW 46.20.202(4), the additional fee for enhanced driver's licenses (EDL) and enhanced identicards (EID) are set by rule of the department. The department intends to amend WAC 308-105-100 to prorate the EDL and EID fee to match the new renewal cycle.

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

Process for Developing New Rule: Internal review and input from interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov).

May 16, 2013  
Damon Monroe  
Rules Coordinator

### WSR 13-11-076

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 16, 2013, 1:56 p.m.]

Subject of Possible Rule Making: Chapter 308-330 WAC, updating the model traffic ordinance to incorporate recent legislative changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.90.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The model traffic ordinance must be updated to reference new traffic laws enacted by the legislature in 2013.

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

Process for Developing New Rule: Internal review and input from interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov).

May 16, 2013  
Damon Monroe  
Rules Coordinator

### WSR 13-11-085

#### PREPROPOSAL STATEMENT OF INQUIRY MILITARY DEPARTMENT

(Emergency Management Division)

[Filed May 17, 2013, 11:47 a.m.]

Subject of Possible Rule Making: Revisions to chapter 118-30 WAC, Local emergency management/service organizations, plans and programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.070 Local organizations and joint local organizations authorized—Establishment, operation—Emergency powers, procedures.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules are dated and based on outdated federal structure and emergency management agencies within the state agree a revision is needed.

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

Process for Developing New Rule: Negotiated rule making; and collaborative stakeholder meetings will be held to discuss changes to the WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Emergency planning program and planning criteria will be discussed at stakeholder meetings. Public hearing(s) will be held for further input. A list of interested parties will be maintained by the planning, analysis, and logistics section manager and notification of meetings and hearings will be sent to that list in addition to interested participants. To be

added to the list of interested parties or for more information, please contact John Ufford, (253) 512-7052, john.ufford@mil.wa.gov or Karen Ferreira, (253) 512-7057, Karen.ferreira@mil.wa.gov.

May 17, 2013  
John C. Ufford  
Planning, Analysis, and  
Logistics Section Manager

**WSR 13-11-088**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed May 17, 2013, 1:28 p.m.]

Subject of Possible Rule Making: Title 170 WAC, including but not limited to chapters 170-03 and 170-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 34.05 and 43.215 RCW and in particular RCW 34.05.220, 43.215.060, 43.215.070, 43.215.200, 43.215.215 through 43.215.218, and 43.43.832(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making in chapters 170-03 and 170-06 WAC is necessary in order to clarify and/or update one or more sections within chapters 170-03 and 170-06 WAC. The department of early learning (DEL) may file more than one proposed rule (CR-102) under this notice, and may, if appropriate, adopt emergency rules on a temporary basis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services provides certain child care background check services to DEL. The Washington state patrol provides in-state criminal history information and coordinates national fingerprint background check processing with the Federal Bureau of Investigation when a fingerprint-based background check is required. DEL must follow United States Administration for Children and Families - Child Care and Development Fund (CCDF) regulations consistent with the state's CCDF plan. DEL must also follow regulations associated with the early head start program administered by the Office of Human Development Services, Department of Health and Human Services. To the extent appropriate, DEL plans to coordinate rule development with these state and federal agencies.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, by fax (360) 586-0533, or by writing to the DEL

Rules Coordinator, Department of Early Learning, P.O. Box 40972, Olympia, WA 98504-0972.

May 17, 2013  
Robert McLellan  
Senior Assistant Director

**WSR 13-11-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed May 20, 2013, 10:41 a.m.]

Subject of Possible Rule Making: Chapter 246-878 WAC, Good compounding practices; chapter 246-871 WAC, Pharmaceutical—Parenteral products for nonhospitalized patients; chapter 246-903 WAC, Nuclear pharmacies and pharmacists; and chapter 246-873 WAC, Hospital pharmacy standards. The board of pharmacy will evaluate nationally recognized compounding standards to update and set enforceable practice and quality standards for the compounding of sterile and nonsterile preparation in all practice settings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 State board of pharmacy—Powers and duties, 18.64A.030 Rules—Duties of technicians, assistants, 18.64.410 Nonresident pharmacies—Rules, and HB 1800 (chapter 146, Laws of 2013).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2008, United States Pharmacopeia Convention, a nonprofit organization that sets guidelines for drug standards, adopted minimum practice and quality standards for sterile compounding known as USP 797 and later USP 795 for nonsterile compounding. Washington state rules on compounding practices for pharmacies were last adopted in 1994. Updated rules will ensure that standards are appropriate, clear, and enforceable to protect the public's health and safety from hazardous practices similar to recent events involving hundreds of cases of fungal meningitis and other infections due to the administration of contaminated medications produced using unsafe compounding techniques.

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

Process for Developing New Rule: The board of pharmacy will use a collaborative rule-making process to develop new and amended rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties will receive notice of rulemaking and stakeholder workshops, and will have the opportunity to submit written comments on the proposed rules. The board of pharmacy will use listservs to notify interested parties. Interested parties will have the opportunity to comment and the board of pharmacy will take public testimony during the official public rules hearing. For more information, please contact Doreen Beebe, Program Manager, Washington State Department of Health, Board of Pharmacy, P.O. Box 47852,

Olympia, WA 98504, phone (360) 236-4834, e-mail wsbop@doh.wa.gov.

May 20, 2013  
Chris Humberson, R.Ph  
Executive Director  
Board of Pharmacy

**WSR 13-11-101**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 13-02—Filed May 20, 2013, 1:49 p.m.]

Subject of Possible Rule Making: Rule amendment for chapter 173-224 WAC, Wastewater discharge permit fees. This amendment will increase fees for some wastewater permit fee categories (dairies, concentrated animal feeding operations, boatyards, aquatic pest control, and private and government-owned domestic wastewater treatment facilities) and all stormwater permit fee categories for FY 2014 by 4.65 percent (the fiscal growth factor projection) and for FY 2015, by 4.72 percent (the tentative fiscal growth factor projection) in anticipation of receiving approval from the 2013 legislature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.465 Water pollution control.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.48.465 Water pollution control, requires ecology to establish by rule, annual fees that will fund the wastewater/stormwater permit program. This rule amendment allows continued recovery of ecology's expenses in operating and managing the permit programs. Wastewater and stormwater permits are tools used by ecology to ensure that man-made activities that discharge into the various water bodies of the state are discharged at a level where they will not impair the water.

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

Process for Developing New Rule: Amend an existing rule. Hold public hearings simultaneously from three different locations around the state. Notify all permit holders and interested parties by direct mailings of the potential fee increases. Information will be posted on ecology's listserv and on the permit fee web page [http://www.ecy.wa.gov/programs/wq/permits/permit\\_fees/index.html](http://www.ecy.wa.gov/programs/wq/permits/permit_fees/index.html).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bev Poston, Fee Administrator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, bev.poston@ecy.wa.gov, phone (360) 407-6425, or fax (360) 407-7151.

May 20, 2013  
Kelly Susewind, P.E., P.G.  
Water Quality Program Manager

**WSR 13-11-102**

**WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF  
INSURANCE COMMISSIONER**

[Filed May 20, 2013, 2:12 p.m.]

The insurance commissioner is withdrawing the CR-101 Preproposal [preproposal] statement of intent *Defining things of value that a title company is permitted to give to any person in a position to refer or influence the referral of title insurance business*, published by the code reviser in WSR 12-08-028 on March 28, 2012.

We will contact individuals that provided comments during the CR-101 comment period of the withdrawal.

Mike Kreidler

**WSR 13-11-107**

**PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD**

[Filed May 21, 2013, 8:14 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

May 21, 2013  
David Brenna  
Senior Policy Analyst

**WSR 13-11-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed May 21, 2013, 8:17 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

May 21, 2013  
David Brenna  
Senior Policy Analyst

**WSR 13-11-109**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 21, 2013, 9:07 a.m.]

Subject of Possible Rule Making: WAC 296-901-140 Hazard communication; chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals; chapter 296-155 WAC, Safety standards for construction work; chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking; chapter 296-828 WAC, Hazardous chemicals in laboratories; chapter 296-835 WAC, Dipping and coating operations (dip tanks); chapter 296-843 WAC, Hazardous waste operations; chapter 296-848 WAC, Arsenic; chapter 296-849 WAC, Benzene; chapter 296-855 WAC, Ethylene oxide; and chapter 296-856 WAC, Formaldehyde. In addition, several internal references will need to be updated throughout all applicable chapters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 29 C.F.R. 1910 Subpart Z.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Occupational Safety and Health Administration (OSHA) adopted the final rules updating its hazard communication standard into alignment with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The department is required to update our rules to be at-least-as-effective-as OSHA. The scope of OSHA's hazard communication standard includes requirements for employers as well as chemical manufacturers, importers, and distributors. The department's comparable requirements are located in three separate rules. OSHA's rule also modified other existing OSHA standards that contain hazard classification and communication provisions to be internally consistent and aligned with the GHS modifications to the hazard communication standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than OSHA, are known that regulate this subject.

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 Beverly Clark, Administrative Regulatory Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5516, fax (360) 902-5619, e-mail [beverly.clark@lni.wa.gov](mailto:beverly.clark@lni.wa.gov).

May 21, 2013  
Joel Sacks  
Director

**WSR 13-11-113**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed May 21, 2013, 12:44 p.m.]

Subject of Possible Rule Making: Fire marshal standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.130, 18.46.110, 70.62.290, and 74.15.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to chapter 212-12 WAC are necessary due to the recent passage of ESHB 1968 in the 2013 regular legislative session. Rule-making changes may also include other clean up to existing language.

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 Assistant State Fire Marshal Anjela St. John, Fire Protection Bureau, 210 11th Avenue S.W., Olym-

pia, WA 98504, Anjela.stjohn@wsp.wa.gov, (360) 596-3903.

May 20, 2013  
John R. Batiste  
Chief

### WSR 13-11-114

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 21, 2013, 12:46 p.m.]

Subject of Possible Rule Making: Towing business requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.55.050, 46.55.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There is a need for updates to some of the tow standards. This includes but may not be limited to WAC 204-91A-060, to update/clarify operator qualifications;

WAC 204-91A-140, to address fees charged for impounds where toll and ferry fares are charged under RCW 46.55.035; WAC 204-91A-170, to address strap requirements for tow trucks; and WAC 204-91A-180, to clarify the type of identification that is required for a tow truck operator.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing.

Process for Developing New Rule: Agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sergeant John Buma, CVD, Tow Coordinator, P.O. Box 42614, Olympia, WA 98504-2600, John.buma@wsp.wa.gov, (360) 596-3804.

May 20, 2013  
John R. Batiste  
Chief

### WSR 13-11-115

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 21, 2013, 12:47 p.m.]

Subject of Possible Rule Making: Audit of reporting compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 10.97 and 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With the passage of SB 5466 in the 2013 regular legislative session, the language in this section is no longer necessary as it is already outlined in RCW 10.98.100. The proposal is to repeal this WAC chapter.

Process for Developing New Rule: Agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Deborah Collinsworth, Criminal Records Division, 3000 Pacific Avenue S.E., Suite 204, Olympia, WA 98504-2633, Deborah.collinsworth@wsp.wa.gov, (360) 534-2102.

May 20, 2013  
John R. Batiste  
Chief

### WSR 13-11-116

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 21, 2013, 12:49 p.m.]

Subject of Possible Rule Making: Transportation of hazardous materials, WAC 446-50-010, 446-50-050, and 446-50-080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.48.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state patrol is in need of updating the following regulations in order to align state rules with state and federal regulations. The proposed changes include but may not be limited to:

Amendments are necessary to multiple sections within the chapter to update references to RCW.

WAC 446-50-010, amend the language to update references to the committee originally created in RCW 46.48.190 but now under RCW 46.48.170.

WAC 446-50-080, amend language to update references as well as adopt new C.F.R. references regarding hazardous materials regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Motor Carrier Administration, Washington utilities and transportation commission.

Process for Developing New Rule: During an audit of Washington state law and Code of Federal Regulations, sections were found of federal law that WAC codes either did not address or were inconsistent. The agency will work with stakeholders to develop the language necessary to ensure compliance with federal regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting CVEO 4 William Balcom, Motor Carrier Safety Division, P.O. Box 42614, Olympia, WA 98504-2614, William.balcom@wsp.wa.gov, (360) 596-3807.

May 20, 2013  
John R. Batiste  
Chief

**WSR 13-11-117****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed May 21, 2013, 12:50 p.m.]

Subject of Possible Rule Making: Commercial motor vehicle regulations, WAC 446-65-010 and 446-65-030.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state patrol is in need of updating the following regulations in order to align state rules with federal regulations.

The proposed changes include but may not be limited to:

WAC 446-65-010, specifying specific version of Code of Federal Regulations (C.F.R.) referenced by rule and clarify language under the rule to address incompatibilities with federal standards. The agency will also be adopting new C.F.R. requirements and providing clean up to other language within the section.

WAC 446-65-030, amend the language regarding intra-state high risk carriers to be more in-line with the current federal process for identifying high risk carriers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Motor Carrier Administration, Washington utilities and transportation commission.

Process for Developing New Rule: During an audit of Washington state law and C.F.R., sections were found of federal law that WAC codes either did not address or were inconsistent. The agency will work with stakeholders to develop the language necessary to ensure compliance with federal regulations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting CVEO 4 William Balcom, Motor Carrier Safety Division, P.O. Box 42614, Olympia, WA 98504-2614, William.balcom@wsp.wa.gov, (360) 596-3807.

May 20, 2013

John R. Batiste  
Chief**WSR 13-11-118****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 21, 2013, 1:23 p.m.]

Subject of Possible Rule Making: Hagfish pot trial fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.047, and 77.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of fish and wildlife is considering rule amendments relating to the commercial harvest of hagfish in the hagfish pot trial fishery.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Updates will be added to the agency's rule-making page at <http://wdfw.wa.gov/about/regulations/development.html>. The commission's agenda, which will reflect public meeting dates and locations, can be found at <http://wdfw.wa.gov/commission/minutes.html>. Contact by July 10, 2013. Expected proposal filing on or after July 24, 2013.

May 21, 2013

Lori Preuss  
Rules Coordinator**WSR 13-11-122****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 21, 2013, 1:53 p.m.]

Subject of Possible Rule Making: Washington state electronic fish-receiving tickets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.045, 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of fish and wildlife (WDFW) is considering allowing commercial purchasers and receivers to use electronic fish tickets even if the purchasers and receivers do not participate in the Pacific Coast groundfish shoreside individual fishing quota program. Electronic fish tickets are easier for commercial purchasers and receivers to use and for WDFW to process than paper tickets.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Updates will be added to the agency's rule-making page at <http://wdfw.wa.gov/about/regulations/development.html>. The commission's agenda, which will reflect public meeting dates and locations, can be found at <http://wdfw.wa.gov/commission/minutes.html>. Contact by July 10, 2013. Expected proposal filing on or after July 24, 2013.

May 21, 2013

Lori Preuss  
Rules Coordinator



**WSR 13-11-126**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 21, 2013, 4:09 p.m.]

Subject of Possible Rule Making: Chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to amend language in chapter 296-46B WAC, pertaining to scope of work requirements for generator load bank testing and preventative maintenance. This rule making will amend the 07-scope of work requirements for electrical licensing to allow 07-level maintenance specialty electricians the ability to perform installation and removal of new electrical cabling between a temporary load bank and facility generators. Currently, the law requires this type of work to be performed by a 01-general electrical contractor, using 01-general journey level electricians.

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

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail Alicia.Curry@Lni.wa.gov.

May 21, 2013  
 Joel Sacks  
 Director

**WSR 13-11-130**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed May 22, 2013, 7:55 a.m.]

Subject of Possible Rule Making: Implementing 2013 legislation regarding licensed enhanced raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB [ESSB] 5723, RCW 9.46.070, 9.46.0277.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The subject of this rule making is to implement E2SSB [ESSB] 5723, which was passed during the 2013 legislative session to allow bona fide charitable or nonprofit organizations whose primary purpose is serving individuals with intellectual disabilities to conduct "enhanced" raffles under certain conditions if the raffle is approved by the five-person gambling commission. The new law gives the commission rule-making authority to: Set fees

for bona fide charitable or nonprofit organizations, call center vendors, and consultants conducting enhanced raffles; to adopt rules governing the licensing and operation of enhanced raffles; and to define independent audits that will be conducted on enhanced raffles and associated smaller raffles. The new law authorizes up to four raffles per year with a grand prize worth up to \$5 million and allows raffle tickets to be sold for up to \$250 per ticket (the current ticket limit is \$100). The new law allows associated entries and drawings, including "refer a friend," "early bird" and "multiple ticket" drawings. The organizations would be allowed to use call centers and/or hire consultants, if licensed by the commission; currently call centers and consultants are not allowed. The new law expires June 30, 2017.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator, Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication.

[Meetings on] July 11 or 12, 2013, at the Bellevue Red Lion, 11211 Main Street, Bellevue, WA 98004, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on July 1 to confirm meeting location and start time; on August 8 or 9, 2013, at the Wenatchee Red Lion, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on August 1 to confirm meeting location and start time; and on September 12 or 13, at the Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on September 1 to confirm meeting location and start time.

May 22, 2013

Susan Newer

Rules Coordinator

**WSR 13-11-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed May 22, 2013, 8:51 a.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements, certification requirements for continuing education and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification related to maintaining licensure.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

May 22, 2013  
David Brenna  
Senior Policy Analyst

#### WSR 13-11-144

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

[Insurance Commissioner Matter No. R 2013-11—Filed May 22, 2013, 10:08 a.m.]

Subject of Possible Rule Making: Issuer disclosures, notices and processes to protect privacy of health care information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is proposing rule development on this subject in response to a petition requesting rules related to issuer practices in disseminating explanation of benefit documents that contain protected personal health information. A credible concern was raised that issuers do not have processes in place to ensure that covered person's personal health information is not made available to other household members without their consent.

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

Process for Developing New Rule: Submit written comments by July 25, 2013, to [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, P.O. Box 40258, Olympia, WA 98504, e-mail [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), phone (360) 725-7170, fax (360) 586-3109.

May 22, 2013  
Mike Kreidler  
Insurance Commissioner

#### WSR 13-11-145

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 22, 2013, 10:12 a.m.]

Subject of Possible Rule Making: Adding and amending cosmetology, barber, manicurist, esthetician rules, chapter 308-20 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030, 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1779 was passed during the 2013 legislative session giving the department authority to:

- Modify the license requirements for an esthetician.
- Create a master esthetician license.
- Provide for transitions for applicants for the modified esthetician license and the new master esthetician license.
- Create reciprocity provisions for the new master esthetician license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of licensing (DOL) will work with the Washington state apprenticeship and training council (WSATC) that oversees the state apprenticeship program within the department of labor and industries. Apprenticeship is another path to receiving a license for esthetics and the WSATC must approve the apprenticeship program.

Process for Developing New Rule: Direct notice will be made to all active licensees under chapter 18.16 RCW, and to the stakeholders list. Communication with the public will be made through the cosmetology web site and cosmetology listserv. DOL welcomes the public to take part in developing rules.

To receive additional information by e-mail, please sign up on the cosmetology listserv at <http://www.dol.wa.gov/business/cosmetology/maillinglist.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cameron Dalmas, Cosmetology Program, Business and Professions Division, DOL, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6643, e-mail [ndalmas@dol.wa.gov](mailto:ndalmas@dol.wa.gov), fax (360) 664-2550. Interested parties may send in comments by mail, phone, facsimile or e-mail. Additional information will be posted on the cosmetology web site as it becomes available at <http://dol.wa.gov/business/cosmetology>.

May 22, 2013  
Damon Monroe  
Rules Coordinator

#### WSR 13-11-146

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 22, 2013, 10:15 a.m.]

Subject of Possible Rule Making: Collection agencies, WAC 308-29-025, clarify what records a licensee with no clients must maintain and provide to the department.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.16.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB [SHB] 1822 was passed by the 2013 legislature and signed by governor. The bill adds debt purchasers to the definition of what is a collec-

tion agency under the Washington Collection Agencies Act. To implement the law change, the department needs to clarify what records will not be required if a licensee has no clients. The collection agency board supports the need for a rule amendment which will be developed during the public participation phase prior to the rules hearing on August 27, 2013. The need for a rule amendment meets the exemption criteria outlined in Executive Order 10-06 and will not impact local government.

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

Process for Developing New Rule: Internal review and adoption by board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Vogeli, Program Manager, P.O. Box 9027, Olympia, WA 98507-9027, e-mail collect@dol.wa.gov, phone (360) 664-1389, fax (360) 570-7053.

May 22, 2013  
Damon Monroe  
Rules Coordinator

### WSR 13-11-147

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF LICENSING

[Filed May 22, 2013, 10:16 a.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-545 Gold star parent license plate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To include widows, widowers, biological children, and adoptive children as eligible applicants for gold star special license plates that honor fallen heroes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of veteran affairs.

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, Mailstop 48203, P.O. Box 9909, Olympia, WA 98507.

May 22, 2013  
Damon Monroe  
Rules Coordinator