

WSR 24-20-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed September 19, 2024, 3:30 p.m.]

Subject of Possible Rule Making: Chapter 16-302 WAC, General rules for seed certification. The department of agriculture (department) is considering amending this chapter by:

Providing clarity and transparency:

- Making clerical, typographical, and formatting changes throughout the chapter to improve clarity and readability;
- Addressing inconsistencies throughout the chapter between crop standards;
- Removing references to chapters that have been previously repealed;
- Adding a new section for definitions;
- Correcting information within the tables to accurately reflect the current national standards; and
- Repealing WAC 16-302-390 since it contains references to fees that are no longer applicable.

Updating existing language:

- Aligning with other seed certification states for blended and mixture tagging of certified seed;
- Adding a Pacific Northwest sod quality seed standard and tagging process;
- More closely aligning with Association of Official Seed Certify Agencies (AOSCA) newly adopted seed and field standards for applicable crops produced in Washington;
- Adding standards for foundation classes in relation to maximum damaged seed, inert matter, splits, and weed seed maximums that are currently not listed;
- Adding language for standards that are currently in place, but not currently listed in rule;
- Adding an application deadline to meet the needs of dryland seed production; and
- Aligning weed seed scientific names with nomenclature updates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, [15.49].021, [15.49].310, [15.49].370, 15.140.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making clerical/formatting changes, addressing inconsistencies between crop standards, removing references to repealed chapters, updating section numbers, adding definitions, correcting information within the tables, and repealing WAC 16-302-390 will provide stakeholders with the most accurate standards and allow them to conduct business more efficiently with the department.

Aligning with other seed certification states for blended and mixture tagging of certified seed and adding a Pacific Northwest sod quality standard and tagging process will add uniformity among Washington, Oregon, and Idaho making it easier for the grass industry to conduct business.

Sections which do not match the AOSCA standards are proposed to be updated for all applicable crop kinds to add unity among states and align with established national standards.

The current standards for production of field corn parent material is not in alignment with current industry practices or AOSCA field

standards. Adding definitions and standards to rule will better serve industry. This update will put into rule what is already in practice and define the expectation for field application and standards.

The current application due dates for seed production in dryland areas are unrealistic for industry to meet. The establishment of a quality crop takes additional time in the dryland areas compared to irrigated regions of the state. Adding application deadlines allowing for a petition for dryland production area to submit a late application will allow industry to better assess the crop establishment before submitting an application for seed certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will notify AOSCA, Washington state crop improvement association, Idaho crop improvement association, Oregon seed certification, and the Oregon department of agriculture via email.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, including the Washington state crop improvement association, Oregon seed certification, Idaho crop improvement association, and individual seed companies that may be affected. 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 hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paula Moore, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone 509-314-1032, fax 509-545-4395, TTY 800-833-6388, email pmoore@agr.wa.gov, website <https://agr.wa.gov/Inspection/SeedInspection/ContactUs.aspx>.

Additional comments: Washington turfgrass commission (commission) is in favor of adding a Pacific Northwest sod quality exam and tags, in addition to aligning the blending standards and policy to align with Oregon state seed certification. The commission supports the proposal to make these updates to chapter 16-302 WAC.

September 19, 2024
Jessica Allenton
Assistant Director

WSR 24-20-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 23, 2024, 11:17 a.m.]

Subject of Possible Rule Making: Behavioral health agency (BHA) rules concerning reporting information about early release of individuals receiving substance use disorder (SUD) treatment. The department of health (department) is considering amending or potentially adding a new section to the BHA regulations in chapter 246-341 WAC to implement S2SSB 6228 (chapter 366, Laws of 2024), that requires BHAs to report specific data on individuals who are voluntarily or involuntarily released from treatment early.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.037 and 2SSB 6228 (chapter 366, Laws of 2024), codified as RCW 71.24.847.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The goal of 2SSB 6228 is to remove barriers that prevent individuals from completing SUD treatment. Such barriers include forced patient discharge and arbitrary insurance authorizations. To help accomplish this goal, the bill, among other things, directs the department to adopt rules requiring BHAs who provide SUD treatment to report each instance an individual is released prior to completion of the clinical determination of treatment. Among other things, BHA must report the circumstances that led to the early release, including if the early release was voluntary or involuntary, efforts made to avoid the early release, and efforts made to establish a safe discharge plan.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2953, TTY 711, email dan.overton@doh.wa.gov, website <https://doh.wa.gov/>.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department's interested parties list (GovDelivery), attending workshops, and providing input on draft and proposed materials. To find out more about our rule making and to be included on the interested parties list, please follow these steps: (1) Go to doh.wa.gov; (2) click on the "Sign up for Updates from DOH" button on the bottom of the page; (3) enter your contact information; (4) click "Submit"; (5) under the subscription topics, check the box that says "Behavioral Health Care Integration"; and (6) scroll to the bottom of the page and click "Submit."

September 23, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-20-047
PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COLLEGE

[Filed September 25, 2024, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 132H-122 WAC, Student financial debt.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Housekeeping edit to bring chapter 132H-122 WAC and BC policy 7200 into compliance with RCW 28B.10.293 regarding the types of student debts for which the college may withhold registration privileges. Statute dictates that only tuition fees, room and board, and financial aid funds constitute debt the college may act upon.

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori McRea Keller, 3000 Landerholm Circle S.E., phone 425-564-6155, TTY 425-564-6189, email loreen.keller@bellevuecollege.edu, website www.bellevuecollege.edu.

September 25, 2024
Loreen M. Keller
Associate Director
Policies and Special Projects

**WSR 24-20-053
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed September 25, 2024, 10:26 a.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 24-19-070 on September 16, 2024, and distributed in the 24-19 State Register.

Wendy Barcus
Rules Coordinator

WSR 24-20-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 25, 2024, 3:49 p.m.]

Subject of Possible Rule Making: The department of fish and wildlife is considering rule making to amend requirements in the coastal and Puget Sound commercial Dungeness crab fisheries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules, amendments to rules, and clarification of existing rules are needed to enhance fishery monitoring and risk reduction for marine life entanglements. These new measures accomplish conservation objectives and improve enforceability of current rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, 1111 Washington Street S.E., Olympia, WA 98501, phone 855-925-2801, project code 10580, email commercial_crab_rules@publicinput.com, website https://publicinput.com/commercial_crab_rules.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

September 25, 2024
Scott Bird
Rules Coordinator

WSR 24-20-066
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 26, 2024, 12:44 p.m.]

Subject of Possible Rule Making: WAC 182-531-2040 Enhanced reimbursement—Medication assisted treatment for opioid use disorder; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is revising these rules to change the title of the rule section to *Enhanced reimbursement—Medication for opioid use disorder (MOUD)*. The agency is also revising the section to clarify the requirements for receiving the enhanced reimbursement for MOUD. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The agency 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, the agency 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 Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Andrea Allen, CQCT/MD HS/NCA, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9805, fax 360-586-9727, TRS 711, email andrea.allen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 26, 2024
Wendy Barcus
Rules Coordinator

WSR 24-20-085
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed September 27, 2024, 3:26 p.m.]

Subject of Possible Rule Making: Chapter 180-55 WAC, Private school accreditation. Anticipated changes include: Update criteria for approval of accreditors; update definition of "residential private school" to align with current statute; additional criteria under which residential private schools would be exempt from Washington state department of children, youth, and families (DCYF) licensing; additional criteria to identify accreditors that are able to provide an examination of student living accommodations including examination of comparable criteria to that of DCYF; establish a process to ensure the school has received such a review to be exempt from licensing. Other changes to ensure coordination with DCYF if issues arise with a school.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The authority for this chapter is RCW 28A.305.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New regulations resulting from ESSB 5515 may require updates to private school accreditation standards (chapter 180-55 WAC) to differentiate between accreditors that address residential facilities and those that do not.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As required by ESSB 5515, DCYF engaged in negotiated rule making pursuant to RCW 34.05.310 (2) (a) with the state board of education (SBE) and other affected interests to adopt minimum health and safety rules to implement this section. The rules address the needs of children and youth during noninstructional hours including, but not limited to, space allotted to each child or youth for sleeping, developmentally appropriate privacy requirements, personal storage, nutritional needs, cleanliness and hygiene of living quarters, social-emotional well-being during noninstructional hours, health and wellness accommodations, compliance with the Americans With Disabilities Act, and physical safety. SBE must now establish rules that allow residential private schools to be exempt from the licensing requirements if: (i) The residential private school is accredited by an accrediting body approved by SBE in accordance with accreditation standards and procedures established by SBE under RCW 28A.305.130; and (ii) the accreditation covers the student living accommodations, including examination of comparable criteria as listed above (as determined by SBE in consultation with DCYF).

Process for Developing New Rule: SBE will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Randy Spaulding, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, TTY 360-664-3631, email randy.spaulding@k12.wa.us, website www.sbe.wa.gov.

September 27, 2024
Randy Spaulding
Executive Director

WSR 24-20-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed September 27, 2024, 3:36 p.m.]

Subject of Possible Rule Making: Nursing assistant (NA) skills testing, chapter 246-841A WAC. The Washington state board of nursing (board) is considering amendments and technical changes to existing rule sections and the establishment of new rule sections to implement skills testing by training programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88A.030, 18.88A.060, and 18.88A.087.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: NA certification requires both a knowledge and skills examination. In 2023, the board faced challenges with mass testing for NA certification, including limited testing availability and the need for students to travel further to access testing sites. To address these challenges, the board decided to transition to administering testing through nursing assistant training programs.

In October 2023, the board launched a voluntary training program testing initiative, allowing NA students to be tested through local training programs instead of centralized testing sites. NA skills testing, conducted by training programs, serves as a vital mechanism for offering convenient and localized testing opportunities to students and increased access to skills testing across the state. Presently, 88 out of 180 programs are administering skills tests to their own students. Since the transition, there has been an increase in testing capacity, with higher testing volumes and improved student confidence in familiar testing environments. Pass rates have also slightly increased, indicating the effectiveness of the new testing approach.

Additionally, the board will consider piloting a change where skills testing will occur as a component of NA training programs and students will participate in skills testing just prior to completion of their program. This change is expected to increase efficiency in the NA certification process. Establishing rules to formalize these changes to the skills testing process will clarify expectations of NA training programs around skills testing. Rules will help to ensure registered nurse (RN) evaluator training and competency, collection of pass rate and other testing data, compliance with federal testing requirements, and skills testing of nontraditional applicants at regional testing sites.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email WABONRules@doh.wa.gov, website www.nursing.wa.gov.

Additional comments: The board will notify interested parties of rule making by posting information on the department of health website, the board website, and by use of GovDelivery. Interested parties may sign up to receive board rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The board will hold virtual meetings at varying times to encourage participation.

September 25, 2024
Alison Bradywood DNP, MN/MPH, RN, NEA-BC
Executive Director
Board of Nursing

WSR 24-20-091
PREPROPOSAL STATEMENT OF INQUIRY
YAKIMA VALLEY COLLEGE

[Filed September 30, 2024, 12:56 p.m.]

Subject of Possible Rule Making: Repealing current student code of conduct, WAC 132P-33-010, 132P-33-020, 132P-33-030, 132P-33-065, 132P-33-400, 132P-33-410, 132P-33-420, 132P-33-430, 132P-33-440, 132P-33-445, 132P-33-460, 132P-33-470, 132P-33-480, 132P-33-490, 132P-33-500, 132P-33-510, 132P-33-520 and 132P-33-540; and updating to new Supplemental Title IX student conduct procedures, WAC 132P-121-010, 132P-121-020, 132P-121-030, 132P-121-065, 132P-121-440, 132P-121-445, 132P-121-448, 132P-121-460, 132P-121-462, 132P-121-465, 132P-121-470, 132P-121-480, 132P-121-490, 132P-121-500, 132P-121-510, 132P-121-520, and 132P-121-540.

Statutes Authorizing the Agency to Adopt Rules on this Subject: United States Department of Education released a final rule on Title IX, for higher education insitutions to comply with; RCW 28B.50.140(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Allow the Yakima Valley College to be in compliance with the new Title IX requirements in the student code of conduct.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education and the Office of Civil Rights.

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 Leslie Blackaby, P.O. Box 22520, Yakima, WA 98902, phone 509-574-6867, email lblackaby@yvcc.edu, website <https://lawfilesext.leg.wa.gov/law/wsr/2024/16/24-16-136.htm>[1]; or Alma Ramirez, P.O. Box 22520, Yakima, WA 98902, phone 509-574-4671, email aramirez@yvcc.edu.

September 30, 2024
Jocelyn Sheehan
Rules Coordinator

WSR 24-20-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-14—Filed September 30, 2024, 1:55 p.m.]

Subject of Possible Rule Making: The department of fish and wildlife (department) is considering rules regarding southern resident orcas, including amending and adding to rules in Title 220 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, 77.12.047, 77.65.615, 77.65.620, and 77.15.740.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department seeks to amend and add rules in Title 220 WAC to clarify requirements for commercial whale watching and paddle tour license holders as authorized under RCW 77.65.620. In addition, the department is considering creation of a new rule that clarifies the administrative requirements for research and oil spill response activities closer than 1000 yards to southern resident orcas. In part, this rule making is prompted by 2023 legislation (ESSB 5371).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is the sole state agency with authority to regulate commercial whale watching in Washington state. The United States Coast Guard also has the authority to regulate maritime transportation, and the National Oceanic and Atmospheric Administration oversees conservation and management of marine mammals such as the southern resident orcas. A government-to-government work group will be convened to coordinate the rules with these agencies.

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 Julie Watson, P.O. Box 43200, Olympia, WA 98504-3200, phone 855-925-2801, project code 10646, email 2024southernorcascr101@publicinput.com, website <https://publicinput.com/2024southernorcascr101>; or Scott Bird, Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email Rules.Coordinator@dfw.wa.gov.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

September 30, 2024
Scott Bird
Rules Coordinator

WSR 24-20-093
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed September 30, 2024, 1:57 p.m.]

Subject of Possible Rule Making: Per- and polyfluoroalkyl substances (PFAS); state action levels, state maximum contaminant levels, and public notifications for Group A public water supplies in chapter 246-290 WAC.

The state board of health (board) is considering amending WAC 246-290-315 State action levels (SALs) and state minimum contaminant levels (MCLs) and 246-290-71006 Public notice for contaminants with a SAL and other unregulated contaminants to align with the federal Environmental Protection Agency's (EPA) new federal standards for PFAS. The board adopted an emergency rule, WSR 24-14-016 on June 24, 2024, to amend WAC 246-290-315 to keep state protections for drinking water in place until the EPA's new federal standards take effect. The board is considering permanent rule amendments to incorporate the changes from the emergency rule making to keep current state protections in place until the federal provisions take effect and to explore changing the SALs to align with the new EPA standards before the federal effective date. The board may also consider editorial changes and updates to definitions to ensure consistency of terms between federal and state rules in WAC 246-290-010 and 246-290-025.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 (2) (a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules may be necessary to keep current protections related to SALs in place until the federal effective date, and not the adoption date. This is because many important federal provisions, including public notification of high contaminant levels, are not effective until 2029. The way the state rule was written, the protections that were in place under state SALs would go away until that date. This emergency rule prevents the notification requirements from lapsing; however, emergency rules are only effective for 120 days.

To ensure safe drinking water, water must be tested for contaminants. The board establishes SALs and MCLs to ensure contaminate levels are tested and actions are taken above a certain threshold. The board sets criteria for the adoption of SALs and MCLs in WAC 246-290-315 and includes criteria that would apply upon federal adoption of MCLs. WAC 246-290-315(8) states that upon federal adoption of an MCL, the MCL will supersede an SAL and associated requirements, including monitoring and public notice. The emergency rule amended this language to state that when a federal MCL takes effect, the MCL will supersede an SAL and associated requirements, including monitoring and public notice. It may be necessary to permanently adopt this language.

The federal government recently adopted MCLs related to PFAS. MCLs are stricter than Washington's current SALs, but do not take effect until 2029. This means that people served by water systems that detect contamination levels above the MCL, but below the SAL, will not be notified within 30 days that their water contains elevated levels of PFAS. Because Washington already has a notification system in place for the SALs, the board is exploring adopting the stricter contaminant values as SALs so that these customers can receive additional protections sooner than the federal effective date.

The board may also consider editorial changes and updates to definitions to ensure consistency of terms between federal and state rules in WAC 246-290-010 and 246-290-025.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board will coordinate and collaborate with the state department of health, which enforces the rule. The board will also regularly update the state department of ecology, the state department of agriculture, and the state department of fish and wildlife. These agencies regulate PFAS in other contexts. Some of the changes being considered come from new regulations from the EPA. The board will work to ensure the changes align with the EPA's science and research.

Process for Developing New Rule: The board will use a collaborative rule-making approach.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shay Bauman, P.O. Box 47990, Olympia, WA 98504-7790 [7990], phone 564-669-8929, fax 360-236-4088, TTY 711, email shay.bauman@sboh.wa.gov, website <https://sboh.wa.gov/>.

Additional comments: To be added to the listserv for notifications regarding this rule making, email drinkingwater@sboh.wa.gov with the subject line "PFAS Notification." The board, in collaboration with the department of health, will complete an environmental justice assessment for this rule making.

September 30, 2024
Michelle A. Davis, MPA
Executive Director

WSR 24-20-101
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 30, 2024, 4:00 p.m.]

Subject of Possible Rule Making: Chapter 182-551 WAC, Subchapter I—Hospice services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) plans to review and revise the hospice rules to align with current policy and to identify applicability of the rules administered through managed care. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services, department of social and health services.

Process for Developing New Rule: The agency 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, the agency 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 Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Lisa Little, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-2033, fax 360-586-9727, TRS 711, email lisa.little@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 30, 2024
Wendy Barcus
Rules Coordinator

WSR 24-20-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed October 1, 2024, 7:39 a.m.]

Subject of Possible Rule Making: Chapter 16-202 WAC, Application of pesticides and plant nutrients through irrigation systems. The department of agriculture (department) is considering modifying the rules for chemigation and fertigation monitoring to incorporate current technological capabilities and potential automation future capabilities. The department is also considering clarifying changes to the rule that will aid in the readability and understanding of the rule language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030, 15.58.040(2), 15.54.800(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules have not been updated since they were first adopted in 2001. Advances in automation and monitoring technology allow for improved and more efficient operation of chemigation and fertigation systems while introducing more robust monitoring capabilities. During review of chapter 16-202 WAC, it was discovered that the previous sections repealed by WSR 01-23-018 had caused unnecessary duplication throughout the chapter which the department may eliminate to avoid confusion and potential contradictions.

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

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 hearing(s).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Caleb Cole, Compliance Case Review Officer, Agricultural Environmental Services, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 206-492-1969, fax 360-902-2093, email ccole@agr.wa.gov, website agr.wa.gov; or Tim Stein, Agricultural Environmental Services, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 509-990-8869, fax 360-902-2093, email tstein@agr.wa.gov, website agr.wa.gov.

October 1, 2024
Kelly McLain
Assistant Director

WSR 24-20-108
PREPROPOSAL STATEMENT OF INQUIRY
EDMONDS COLLEGE

[Filed October 1, 2024, 8:16 a.m.]

Subject of Possible Rule Making: Chapter 132Y-125 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28B.50.140(13); chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: On April 19, 2024, the United States Department of
Education released its final rule under Title IX. This rule requires
institutions of higher education to adopt investigative and discipli-
nary procedures addressing sex discrimination, including sex-based
harassment. The deadline for implementing the new rule was August 1,
2024. Emergency rules were adopted/filed on July 31, 2024, and now
need to be adopted permanently.

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

Process for Developing New Rule: Proposed changes are being pre-
sented to the campus community for feedback and a public meeting will
be held.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Suzanne Moreau, 7030 196th Street S.W., Lynnwood, WA 98036,
phone 425-640-1400, fax 425-640-1195, email
Suzanne.moreau@edmonds.edu, website www.edmonds.edu.

September 30, 2024

Suzanne Moreau

Vice President for Human Resources

WSR 24-20-115
PREPROPOSAL STATEMENT OF INQUIRY
EDMONDS COLLEGE

[Filed October 1, 2024, 9:42 a.m.]

Subject of Possible Rule Making: Chapter 132Y-300 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28B.50.140(13); chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: On April 19, 2024, the United States Department of
Education released its final rule under Title IX. This rule requires
institutions of higher education to adopt investigative and discipli-
nary procedures addressing sex discrimination, including sex-based
harassment. The deadline for implementing the new rule was August 1,
2024. Emergency rules were adopted/filed on July 31, 2024, and now
need to be adopted permanently.

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

Process for Developing New Rule: Proposed changes are being pre-
sented to the campus community for feedback and a public meeting will
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contacting Suzanne Moreau, 7030 196th Street S.W., Lynnwood, WA 98036,
phone 425-640-1400, fax 425-640-1195, email
Suzanne.moreau@edmonds.edu, website www.edmonds.edu.

October 1, 2024

Suzanne Moreau

Vice President for Human Resources

WSR 24-20-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed October 1, 2024, 9:56 a.m.]

Subject of Possible Rule Making: E2SHB 1086 established the office of behavioral health advocacy (OBHA), moving authority from the health care authority (HCA) to the department of commerce (commerce). OBHA oversees behavioral health advocacy throughout the state, working closely with Peer WA to deliver these services.

Possible rule-making topics include, but are not limited to, updates to:

- Establish standards for certifying behavioral health consumer advocates.
- Procedures for access by behavioral health consumer advocates to providers or facilities.
- Protecting the confidentiality of records.
- Unifying advocacy efforts statewide for consistent service delivery.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 71.40.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to ensure consistent qualifications for advocates, streamline access procedures, and protect confidentiality. This will enhance advocacy effectiveness, ensure privacy, and unify statewide efforts for equitable service delivery.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCA and department of social and health services.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Hyeun Park, 1011 Plum Street S.E., P.O. Box 4252, Olympia, WA 98504-2525, phone 564-669-8141, email hyeun.park@commerce.wa.gov.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

October 1, 2024
Amanda Hathaway
Rules Coordinator

WSR 24-20-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-15—Filed October 1, 2024, 12:07 p.m.]

Subject of Possible Rule Making: The department of fish and wildlife (department) is considering rule changes to chapter 220-120 WAC, Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to amend and update rules in chapter 220-120 WAC to accommodate the recent implementation of the department's use of body-worn cameras by the enforcement program and other administrative requirements.

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 Scott Bird, Rules Coordinator, 1111 Washington Street S.E., WA 98504, phone 855-925-2801, project code 10624, fax 360-902-2349, TTY 1-800-833-6388 or 711, email 2024publicrecords@publicinput.com, website <https://publicinput.com/2024publicrecords>; or Anne Marie Masias, Public Records Officer, fax 360-902-2349, TTY 1-800-833-6388 or 711, email Anne.Masias@dfw.wa.gov.

Additional comments: Assistance for language translation, alternate format or reasonable accommodation: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

October 1, 2024
Scott Bird
Rules Coordinator

WSR 24-20-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed October 1, 2024, 2:53 p.m.]

Subject of Possible Rule Making: WAC 388-96-809 Change of ownership—Final reports—Settlement securities, and other related rules as may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS) is interested in streamlining the change of ownership process for medicaid nursing facility providers. This will also help to continue aligning the state's change of ownership process with federal regulations regarding sales of medicaid facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 42 C.F.R. § 442.14 Effect of Change of Ownership. Federal rule supersedes any state law or regulation. This rule change is to ensure the state process is in alignment with federal language and intent.

Process for Developing New Rule: 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 Elizabeth Pashley, P.O. Box 45600, Olympia, WA 98503, phone 360-995-2807, fax 360-725-2641, TTY 360-493-2637, email Elizabeth.Pashley@dshs.wa.gov, website Office of Rates <https://www.dshs.wa.gov/altsa/management-services-division/office-rates-management> Management | DSHS (wa.gov).

October 1, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-20-134
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 1, 2024, 4:19 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-412-0040 Can I get my benefits replaced?; and other related 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, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to align with the passing of the Continuing Appropriations and Extension Act, 2025, which authorizes the replacement of Supplemental Nutrition Assistance Program benefits stolen due to skimming, cloning, or other fraudulent methods through December 20, 2024. If applicable, amendments will make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service.

Process for Developing New Rule: 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 Alexis Miller, P.O. Box 45470, Olympia, WA 98504-4570, phone 253-579-3144, email alexis.a.miller@dshs.wa.gov.

October 1, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-20-137

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 24-06—Filed October 2, 2024, 7:31 a.m.]

Subject of Possible Rule Making: Department of ecology (ecology) is announcing a rule making to make amendments to chapter 173-443 WAC. These will include, but are not limited to, revisions to WAC 173-443-075 to modify the sell-through provision, revisions to WAC 173-443-040 to modify the prohibitions for automatic commercial ice machines (ACIMs), and other necessary technical and administrative changes throughout the chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.60 RCW, Hydrofluorocarbons—Emissions reduction.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 173-443 WAC is a rule that supports the transition away from using potent greenhouse gases known as hydrofluorocarbons (HFCs) in products and equipment. This chapter establishes requirements for the transition to more climate-friendly refrigerants and refrigerant substitutes in air conditioning and refrigeration, aerosol propellants, and foam in Washington. Chapter 173-443 WAC also establishes a refrigerant management program to address refrigerants leaking from existing large equipment in Washington. This rule was previously adopted after chapter 70A.60 RCW was enacted into law in 2019 and amended in 2021. Amendments to chapter 173-443 WAC are necessary to improve implementation of the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Environmental Protection Agency and the California Air Resources Board regulate HFCs; ecology will align select portions of our program to align with the federal and California rules as appropriate.

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 Gopika Patwa, Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-338-2419, Washington relay service or TTY call 711 or 877-833-6341, email Gopika.patwa@ecy.wa.gov, website <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-443-hydrofluorocarbons>.

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.

Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

October 2, 2024

Joel Creswell

Climate Pollution Reduction Program Manager

WSR 24-20-139

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed October 2, 2024, 8:49 a.m.]

Subject of Possible Rule Making: This rule seeks to clarify requirements of recently passed legislation, ESHB 2153 Deterring the theft of catalytic converters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.350 Catalytic converter marking and 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2153 requires vehicle dealers to offer to permanently mark a vehicle's catalytic converter prior to sale unless; the customer would not like their catalytic converter marked; the catalytic converter is not easily accessible; or the catalytic converter has been previously marked.

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: 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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules; or Catharine Naegli, P.O. Box 9020, Olympia, WA 98507, phone 360-664-1891, email catharine.naegli@dol.wa.gov.

October 2, 2024

Ellis Starrett

Rules and Policy Manager

WSR 24-20-140

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed October 2, 2024, 9:02 a.m.]

Subject of Possible Rule Making: WAC 308-101-230(4) Final orders. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Following an analysis of our commercial driver's license (CDL) disqualification procedures, the department of licensing proposes rescinding WAC 308-101-230(4) to allow for these CDL disqualifications to be addressed within the personal driver's license hearing pursuant to RCW 46.20.308.

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: 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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov [rulescoordinator@dol.wa.gov], website dol.wa.gov/about/rules; or Marta Reinhold, 1125 Washington Street S.E., 4th Floor East, Olympia, WA 98504, phone 360-664-1488, fax 360-570-4950, email mreinhold@dol.wa.gov, hearings@dol.wa.gov.

October 2, 2024

Ellis Starrett

Rules and Policy Manager