

WSR 25-02-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 18, 2024, 4:04 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-450-0070 When do we count a child's income?, and other rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.12.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will clarify rules for irrevocable educational trusts, as authorized by RCW 74.12.350. If applicable, these amendments will make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0068, email Patrick.Budde@dshs.wa.gov.

December 18, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 25-02-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 24-13—Filed December 19, 2024, 7:51 a.m.]

Subject of Possible Rule Making: The Washington department of ecology (ecology) started a rule making under the authority of chapter 70A.560 RCW, Toxic-Free Cosmetics Act, to identify a feasible approach to regulating lead in cosmetic products, including potentially adopting a different limit on lead impurities than the statutory limit of one part per million (ppm). Ecology will work with interested parties to:

- Better understand compliance challenges with the statutory limit.
- Determine the lowest feasible limit that manufacturers can achieve that is also protective of people and the environment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.560 RCW, Cosmetic products—Toxic chemicals.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the Washington state legislature passed the Toxic-Free Cosmetics Act to restrict the manufacture, sale, and distribution of cosmetic products containing certain chemicals, including lead and lead compounds. The law applies to cosmetic products such as makeup, perfume, shampoo, lotion, deodorant, shaving cream, and toothpaste.

After meeting with many cosmetics manufacturers, ecology learned that a strict one ppm limit can be difficult, if not impossible, for some cosmetic products to achieve. Lead is a naturally occurring metal that can be in raw ingredients such as minerals and clay that are used in cosmetics. Ingredients used for pigments are a common source of lead impurities, but manufacturers have limited pigment options approved by the federal Food and Drug Administration (FDA). The variability of lead concentrations in ingredients can prevent manufacturers from complying with the statutory limit of one ppm.

Product testing data from Germany and the United Kingdom shows that 90 percent of cosmetic products can achieve lead concentrations of two ppm for general cosmetics (such as lotion or cleansers) and five ppm for color cosmetics (such as blush or eye shadow). While there may be some variability in lead concentrations by geographic location, the data supports the technical feasibility of lower concentrations.

Interim policy on lead restrictions: Ecology also issued an interim policy to provide compliance guidance to manufacturers while we conduct the rule making. This interim policy gives:

- Manufacturers more time to comply with the lead restriction.
- Ecology more time to collect information.
- Manufacturers alternative paths to compliance for cosmetic products that are unable to achieve lead concentrations below one ppm.

We are committed to supporting businesses with their compliance efforts. Contact us at ToxicFreeCosmetics@ecy.wa.gov with questions or concerns.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Environmental Protection Agency regulates toxic chemicals through the Toxic Substance Control Act. The FDA regulates cosmetic products under the authority of the Federal Food Drug and Cosmetic Act and the Fair Packaging and Labeling Act. Many states regulate chemicals in consumer

products or have proposed regulations. Ecology will consider these regulations when developing requirements and will coordinate with these agencies as necessary.

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 Stacey Callaway, Department of Ecology, Hazardous Waste and Toxics Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-584-5661, Washington relay service or TTY call 711 or 877-833-6341, email ToxicFreeCosmetics@ecy.wa.gov, website Rulemaking webpage; or Shari Franjevic, Department of Ecology, Hazardous Waste and Toxics Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-338-2913, Washington relay service or TTY call 711 or 877-833-6341, email ToxicFreeCosmetics@ecy.wa.gov, website Rulemaking webpage.

Additional comments: Learn more about this rule making by signing up for email announcements; visiting our web pages; or reviewing the interim policy on lead in cosmetics.

Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of the rule making. Ecology will also complete an environmental justice assessment in compliance with RCW 70A.02.06 [70A.02.060] as part of this rule making.

December 19, 2024

Katrina Lassiter, Program Manager
Hazardous Waste and Toxics Reduction

WSR 25-02-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed December 23, 2024, 8:06 a.m.]

Subject of Possible Rule Making: Chapter 388-829Z WAC, Emergency transitional support services (ETSS), and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration is planning to amend sections from chapters 388-829Z to align with certification rules under development by the aging and long-term support administration's residential care services.

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

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

December 23, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 25-02-069

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed December 23, 2024, 11:09 a.m.]

Subject of Possible Rule Making: Chapter 182-534 WAC, Early periodic screening, diagnosis, and treatment; 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 updating the early periodic screening, diagnosis, and treatment chapter to align with guidance from the Centers for Medicare and Medicaid Services (CMS). 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: CMS.

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 Christine Cole, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1368, fax 360-586-9727, TRS 711, email christine.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 23, 2024
Wendy Barcus
Rules Coordinator

WSR 25-02-073
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
STATE TREASURER

[Filed December 23, 2024, 2:56 p.m.]

Subject of Possible Rule Making: Review and revise outdated rules, including the office of the state treasurer's public records rules, and incorporating gender-neutral language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, 42.56.070, 42.56.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure the rules remain current.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Legislative Building, 416 Sid Snyder Avenue S.W., Room 230, Olympia, WA 98504, phone 360-902-8907, email legalaffairs@tre.wa.gov, website www.tre.wa.gov.

December 23, 2024
Jilene Siegel
Legal Compliance Administrator
Rules Coordinator

WSR 25-02-089
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed December 30, 2024, 9:26 a.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 17.10.010, 17.10.070, 17.10.080, and 17.10.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state noxious weed control board (WSNWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution as well as updating its by-laws that are codified in chapter 16-750 WAC. WSNWCB may also consider other updates to chapter 16-750 WAC.

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

Process for Developing New Rule: WSNWCB will meet at least twice to discuss proposed changes to chapter 16-750 WAC prior to making any recommendations. Any proposed changes recommended by WSNWCB will be published and widely distributed to newspapers and electronically per the WSNWCB website and email lists. A public hearing is scheduled, and a press release and information regarding the proposed changes are widely distributed to newspapers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Fee, 1111 Washington Street S.E., phone 360-902-2053, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov, website www.nwcb.wa.gov.

Additional comments: This is a continuation of the 2025 noxious weed list update process for the proposed class C addition *Ilex aquifolium*.

December 30, 2024
Mary Fee
Executive Secretary

WSR 25-02-091
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
STATE TREASURER

(State Finance Committee)
[Filed December 30, 2024, 9:58 a.m.]

Subject of Possible Rule Making: Review and revise outdated rules, including those under Title 210 WAC and Title 389 WAC, and incorporate gender-neutral language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.33.030, 43.33.040, 39.58.030, 39.58.040, 42.56.040, 42.56.070, and 42.56.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure the rules remain current.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Legislative Building, 416 Sid Snyder Avenue S.W., Room 230, Olympia, WA 98504, phone 360-902-8907, email legalaffairs@tre.wa.gov, website www.tre.wa.gov.

December 30, 2024
Jilene Siegel
Legal Compliance Administrator
Rules Coordinator

WSR 25-02-098

PREPROPOSAL STATEMENT OF INQUIRY

PIERCE COLLEGE

[Filed December 30, 2024, 1:52 p.m.]

Subject of Possible Rule Making: Pierce College (college) is engaging in the proposed rule-making process to establish a trespass policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is engaging with the rule-making process to create procedures regarding trespass and removal from the campus.

Process for Developing New Rule: Proposed language will be presented to college shared governance councils for comment, as well as reviewed and approved by the assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-912-2331, email jdraperdavis@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>.

December 16, 2024
Julie A. White
Chancellor and CEO

WSR 25-02-099

PREPROPOSAL STATEMENT OF INQUIRY

PIERCE COLLEGE

[Filed December 30, 2024, 2:20 p.m.]

Subject of Possible Rule Making: Pierce College (college) is engaging in the proposed rule-making process to repeal chapter 132K-122 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is engaging with the rule-making process to repeal chapter 132K-122 WAC because the Family Educational Rights and Privacy Act provides the necessary legal requirements and guidance to protect the privacy of student education records.

Process for Developing New Rule: Proposed language will be presented to college shared governance councils for comment, as well as reviewed and approved by the assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-912-2331, email jdraperdavis@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>.

December 30, 2024
Julie A. White
Chancellor and CEO

WSR 25-02-100
PREPROPOSAL STATEMENT OF INQUIRY
PIERCE COLLEGE

[Filed December 30, 2024, 2:21 p.m.]

Subject of Possible Rule Making: Pierce College (college) is engaging in the proposed rule-making process to establish a use of unmanned aircraft systems policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is engaging with the rule-making process to create procedures that maintain compliance with Federal Aviation Administration guidelines and requirements to promote the safe and responsible use of unmanned aircraft systems.

Process for Developing New Rule: Proposed language will be presented to college shared governance councils for comment, as well as reviewed and approved by the assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-912-2331, email jdraperdavis@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>.

December 16, 2024
Julie A. White
Chancellor and CEO

WSR 25-02-101
PREPROPOSAL STATEMENT OF INQUIRY
PIERCE COLLEGE

[Filed December 30, 2024, 2:29 p.m.]

Subject of Possible Rule Making: Pierce College (college) is engaging in the proposed rule-making process to establish a pets and other animals on campus policy.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is engaging with the rule-making process to create procedures regarding pets and other animals on the campus.

Process for Developing New Rule: Proposed language will be presented to college shared governance councils for comment, as well as reviewed and approved by the assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-912-2331, email jdraperdavis@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>.

December 16, 2024
Julie A. White
Chancellor and CEO

WSR 25-02-110
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 31, 2024, 1:04 p.m.]

Subject of Possible Rule Making: WAC 182-502-0002 Eligible provider types; chapter 182-115 WAC, Certified peer counselor; chapter 182-116 WAC, Certified peer specialist; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 71.24.920 (2SSB 5555, 68th legislature, 2023 regular session).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) intends to amend existing rules and develop new rules to implement the remaining requirements in RCW 71.24.920 related to certified peer specialists. During the course of this review, the agency may identify additional related changes that are required to improve clarity or update policy.

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

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 Maureen Bailey, Program Questions, P.O. Box 55543, Olympia, WA 98504-5543, phone 380-725-9997 [360-725-9997], fax 360-586-9727, TRS 711, email Maureen.bailey@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 31, 2024
Wendy Barcus
Rules Coordinator

WSR 25-02-115
PREPROPOSAL STATEMENT OF INQUIRY
PIERCE COLLEGE

[Filed December 31, 2024, 4:27 p.m.]

Subject of Possible Rule Making: Pierce College (college) is engaging in the proposed rule-making process to update chapter 132K-276 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is engaging with the rule-making process to update processes and procedures associated with chapter 132K-276 WAC regarding public records.

Process for Developing New Rule: Proposed language will be presented to college shared governance councils for comment, as well as reviewed and approved by the assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-912-2331, email jdraperdavis@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu, website <https://www.pierce.ctc.edu/>.

December 16, 2024
Julie A. White
Chancellor and CEO

WSR 25-02-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 2, 2025, 8:17 a.m.]

Subject of Possible Rule Making: Electrical rules; WAC 296-46B-906 Inspection fees, 296-46B-909 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, copy, and miscellaneous fees, and 296-46B-911 Electrical testing laboratory and engineer accreditation fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations; RCW 19.28.031 and 19.28.251.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering amendments to the electrical rules that would increase fees by the fiscal growth factor of 6.41 percent for electrical inspections and other electrical program services. The fee increase is necessary to cover increased operating expenses for the electrical program. The current fee levels are insufficient to cover current program expenses. The fee increase would ensure that revenues match expenditures.

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate 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 Meagan Edwards, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-522-0125, fax 360-704-1980, email Meagan.Edwards@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/electrical/laws-rules-policies>.

January 2, 2025
Joel Sacks
Director

WSR 25-02-126

PREPROPOSAL STATEMENT OF INQUIRY

PENINSULA COLLEGE

[Filed January 2, 2025, 11:37 a.m.]

Subject of Possible Rule Making: Chapter 132A-276 WAC, Public disclosure policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW; RCW 34.05.010 and 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The RCW in the current WAC has been changed and our WAC needs to reflect chapter 42.56 RCW.

Process for Developing New Rule: Updating current WAC to reflect changes in chapter 42.56 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trisha Haggerty, Rules Coordinator, Peninsula College, 1502 East Lauridsen, Port Angeles, WA 98382 [98362], phone 360-417-6201, email thaggerty@pencol.edu, website www.pencol.edu.

January 2, 2025
Trisha Haggerty
Rules Coordinator