

WSR 25-23-039
PROPOSED RULES
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 13, 2025, 12:49 p.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040(1).

Title of Rule and Other Identifying Information: Southwest Clean Air Agency (SWCAA) 476-020 Applicability, this is an existing rule section identifying activities to which the regulation is applicable.

SWCAA 476-025 Adoption of Federal Rules, this is a new rule section establishing an adoption by reference date for federal regulations cited in other sections of SWCAA 476.

SWCAA 476-030 Definitions, this is an existing section containing definitions for terms and words directly relevant to the regulation.

SWCAA 476-040 Asbestos Project Requirements, this is an existing section describing the requirements for asbestos projects.

SWCAA 476-050 Notification Requirements and Fees, this is an existing section containing notification requirements for asbestos projects and applicable fees.

SWCAA 476-060 Procedures for Asbestos Projects, this is an existing section describing required measures to control emissions from asbestos projects.

SWCAA 476-070 Disposal of Asbestos-Containing Waste Material, this is an existing section containing requirements for disposal and storage of asbestos containing waste material.

SWCAA 476-080 Demolition by Intentional Burning, this is an existing section containing requirements for any fire training exercise involving intentional burning of a structure as a method of demolition.

Hearing Location(s): On January 21, 2026, at 6:00 p.m., virtual online hearing. Contact SWCAA to register for online hearing.

Date of Intended Adoption: February 5, 2026.

Submit Written Comments to: Brian Fallon, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, email brian@swcleanair.gov, by January 22, 2026.

Assistance for Persons with Disabilities: Contact Tina Hallock, phone 360-574-3058 ext. 110, email tina@swcleanair.gov, by January 14, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SWCAA 476-020 Applicability, the proposed rule change makes grammatical corrections.

SWCAA 476-025 Adoption of Federal Rules, the proposed rule change creates a new rule section that provides an adoption by reference date for federal regulations cited in other sections of SWCAA 476.

SWCAA 476-030 Definitions, the proposed rule changes make grammatical corrections, modify the definitions of emergency asbestos project and owner occupied, and add a definition for owner's agent.

SWCAA 476-040 Asbestos Project Requirements, the proposed rule changes make grammatical corrections; clarify that only Asbestos Hazard Emergency Response Act accredited building inspectors may determine that a material is not a suspect asbestos containing material; and clarify that "all suspect asbestos containing materials, including materials on the outside of a structure, must [be] sampled or assumed to be ACM, and require that the results of an asbestos inspection must

be communicated in writing to all persons who may come into contact with the material."

SWCAA 476-050 Notification Requirements and Fees, the proposed rule changes make grammatical corrections, clarify that a certified asbestos worker or owner occupant performing an asbestos project must be present at the project site during the dates and times specified on the notice of intent to remove asbestos, modify applicability of the annual notification threshold, move the definition of emergency to SWCAA 476-030, and clarify notification requirements for emergency projects occurring during nonbusiness hours.

SWCAA 476-060 Procedures for Asbestos Projects, the proposed rule changes make grammatical corrections, clarify who is allowed access to the controlled area of an asbestos project, and clarify provisions for exemptions due to hazardous conditions.

SWCAA 476-070 Disposal of Asbestos-Containing Waste Material, the proposed rule change revises rule language to prohibit asbestos cement pipe being crushed or broken and left in place.

SWCAA 476-080 Demolition by Intentional Burning, the proposed rule change makes a grammatical correction.

Reasons Supporting Proposal: The proposed changes are necessary to support SWCAA's implementation of its local asbestos program.

Statutory Authority for Adoption: RCW 70A.15.2040(1).

Statute Being Implemented: RCW 70A.15.2040(1).

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

Name of Proponent: SWCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Fallon, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, 360-574-3058 ext. 138; Implementation: Clinton Lamoreaux, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, 360-574-3058 ext. 131; and Enforcement: Bryan Smith, 5101 N.E. 82nd Avenue, Suite 102, Vancouver, WA 98662, 360-574-3058 ext. 122.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995, for this action.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70A.15.2040(1).

Explanation of exemptions: Pursuant to RCW 70A.15.2040(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with chapter 42.30 RCW and selected portions of chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of chapter 19.85 RCW.

Scope of exemption for rule proposal:

Is fully exempt.

November 12, 2025
Uri Papish
Executive Director

AMENDATORY SECTION (Amending WSR 01-05-065 filed 2/15/01, effective 3/18/01)

SWCAA 476-020 Applicability

This regulation (~~shall apply~~) applies to all demolition and renovation activities, removal of asbestos-containing material, storage, transport, and disposal of asbestos-containing materials and other specific activities as referenced in 40 CFR 61.140 et seq. (Subpart M).

NEW SECTION

SWCAA 476-025 Adoption of Federal Rules

Federal rules cited in this rule are adopted by reference as in effect on September 1, 2025.

AMENDATORY SECTION (Amending WSR 20-06-006 filed 2/20/20, effective 3/22/20)

SWCAA 476-030 Definitions

(1) **"Adequately wet"** means sufficiently mixed, saturated, penetrated, or coated with a fine mist of water or aqueous solution to prevent emissions.

(2) **"AHERA accredited building inspector"** means a person who has successfully completed the training requirements for a building inspector established by the Environmental Protection Agency (EPA) Asbestos Model Accreditation Plan; Interim Final Rule (40 CFR 763, Appendix C to Subpart E, I.B.3) and whose certification is current. (Asbestos Hazard Emergency Response Act-AHERA)

(3) **"Asbestos"** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

(4) **"Asbestos-containing material"** means any material containing greater than one percent (1%) asbestos as determined by polarized light microscopy using the procedures and methods in 40 CFR Part 763 Subpart E, Appendix E, Section 1. This term does not include nonfriable asbestos-containing roofing materials, regardless of asbestos content, when the following conditions are met:

(a) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; (~~and~~)

(b) The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; (~~and~~)

(c) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and

(d) The building, vessel, or structure containing the asbestos-containing roofing material, will not be demolished by burning or mechanical renovation/demolition methods that may release asbestos fibers.

(5) **"Asbestos-containing waste material"** means any waste that contains, or is contaminated with, asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-containing waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos-containing material taken for testing or enforcement actions.

(6) **"Asbestos inspection"** means an inspection performed by an AHERA accredited building inspector using the procedures contained in 40 CFR 763.85 and 86, or an alternate method that has received prior

approval from SWCAA, to determine whether materials or structures to be worked on, removed, remodeled, renovated, or demolished, (including material on the outside of structures) contain asbestos.

(7) **"Asbestos project"** means the construction, demolition, maintenance, repair, remodeling, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, salvage, disposal, or disturbance of any asbestos-containing material or presumed asbestos-containing material. It does not include the application of duct tape, re-wettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released. Nor does this include routine maintenance and other (~~non-abatement~~) projects that may minimally disturb asbestos-containing materials.

(8) **"Asbestos project designer"** means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763 Subpart E, Appendix C) and whose certification is current.

(9) **"Certified asbestos contractor"** means any partnership, firm, association, corporation or sole proprietorship, registered under chapter 18.27RCW, that submits a bid, or contracts to remove asbestos for another and is certified by the Washington Department of Labor & Industries to remove asbestos.

(10) **"Certified asbestos worker/supervisor"** means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010 (~~and~~), 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.

(11) **"Collected for disposal"** means sealed in a leak(-)tight container while adequately wet.

(12) **"Component"** means any equipment, pipe, structural member, or other item covered with, coated with, or containing asbestos-containing material.

(13) **"Controlled area"** means an area with access restricted to allow only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA). For owner-occupied, single-family residence dwellings, the controlled area is the area where the asbestos-containing material is being removed.

(14) **"Demolition"** means the wrecking, dismantling, removal of any load-supporting structural member on, or the intentional burning of any building, vessel, structure, or portion thereof, rendering the structure uninhabitable. Demolition includes the removal of a facility from its foundation followed by relocation of the facility onto a new foundation at a different location.

(15) **"Emergency asbestos project"** means an unplanned asbestos project (~~(necessitated by a sudden and unexpected event. Such events may include earthquakes, water damage, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.)~~) or demolition that must proceed immediately because of any of the following:

(a) There was a sudden, unexpected event that resulted in a public health or safety hazard, including non-routine failure or malfunction of equipment, earthquakes, water damage, or fire damage;

(b) The need to protect equipment, ensure continuous vital utilities, or minimize property damage;

(c) The discovery of asbestos-containing material not identified during the asbestos inspection; or

(d) The need to avoid imposing an unreasonable financial burden.

(16) "**Facility**" means all or part of any institutional, commercial, public, industrial, agricultural or residential structure, and marine vessels. This term does not include recreational vehicles such as campers, trailers, motorhomes or personal watercraft.

(17) "**Friable asbestos-containing material**" means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal.

(18) "**HEPA filter**" means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.7% efficiency or greater.

(19) "**Leak tight container**" means a dust and liquid tight container that encloses the asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic used to wrap asbestos covered components.

(20) "**Negative pressure enclosure**" means any enclosure of an asbestos abatement project where the air pressure outside the enclosure is greater than the air pressure inside the enclosure and the air inside the enclosure is changed at least four times an hour by exhausting it through a HEPA filter.

(21) "**Nonfriable asbestos-containing material**" means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.

(22) "**Notification period**" means the 10-day period from the date that all required submittals and fees are received by SWCAA.

(23) "**Owner**" or "**Operator**" means any person who owns, leases, operates, controls, or is responsible for activities at a project site, ~~((or))~~ a project operation, or both.

(24) "**Owner-occupant ~~((occupied residential dwelling))~~" means ~~((any single-family housing unit which is permanently or seasonally occupied by the owner of the unit both prior to and after renovation.))~~ an owner that permanently or seasonally occupies a single-family housing unit both prior to and after an asbestos project. This term includes houses, mobile homes, houseboats, houses with a 'mother-in-law apartment' or 'guest rooms', and associated structures located on the property. This term does not include structures that are to be demolished or renovated as part of a commercial or public project; nor does this term include any mixed-use building, structure or installation that contains a residential unit, or any building that is leased, used as a rental, or for commercial purposes.**

(25) "Owner's Agent" means a professional who acts on behalf of a property owner to oversee a project or projects.

~~((+25+))~~ (26) "**Person**" means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((+26+))~~ (27) "**Presumed asbestos-containing material**" means any suspect asbestos-containing material not evaluated or sampled by an AHERA accredited building inspector and is, therefore, presumed to be greater than 1% asbestos and ~~((shall))~~ must be treated as such.

~~((27))~~ (28) "**Renovation**" means the modification of any existing building, vessel, structure, component, or portion thereof, not including demolition.

~~((28))~~ (29) "**Structure**" means something built or constructed, in part or whole. Examples include, but are not limited to, the following in part or whole: houses, garages, commercial/industrial/municipal buildings, storage tanks and vessels, mobile homes, bridges, pole buildings, canopies, and lean-tos. The term does not include normally mobile equipment (including but not limited to automobiles, recreational vehicles, and boats), wood decks, and fences.

~~((29))~~ (30) "**Suspect asbestos-containing material**" means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, mastics, textures, and cement siding, regardless of year installed.

~~((30))~~ (31) "**Temporary asbestos storage facility**" means a controlled facility for the storage of asbestos-containing waste material ~~((s))~~ longer than 10 days after collection and prior to transfer to a permanent disposal site.

~~((31))~~ (32) "**Visible emissions**" means emissions to the atmosphere that are visually detectable without the aid of instruments, including deposition and track out of asbestos-containing material outside of the controlled area. This term does not include condensed uncombined water vapor.

~~((32))~~ (33) "**Waste generator**" means any owner or operator of a source whose act or process produces asbestos-containing waste material.

~~((33))~~ (34) "**Waste shipment record**" means the shipping document required to be originated and signed by the owner or operator ~~((r))~~ and used to track and substantiate the disposition of asbestos-containing waste material.

~~((34))~~ (35) "**Working day**" means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Southwest Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-06-006 filed 2/20/20, effective 3/22/20)

SWCAA 476-040 Asbestos Project Requirements

(1) Renovation.

(a) Prior to performing any renovation activity, the property owner or the owner's agent ~~((shall))~~ must determine whether there are suspect asbestos-containing materials in the work area. If suspect asbestos-containing material is present and may be disturbed during the project, the property owner or owner's agent must:

(i) Treat the suspect asbestos-containing material as presumed asbestos-containing material and handle it as asbestos-containing material; or

(ii) Have an asbestos inspection conducted by an AHERA accredited building inspector to determine if asbestos is present. Suspect material ~~((shall))~~ must be analyzed for asbestos content using the procedures in Title 40 Part 763 Subpart E, Appendix E, Section 1. The results of an asbestos inspection must be documented and maintained at the project site in a readily available format during renovation. Only an AHERA accredited building inspector may determine, by performing an

asbestos inspection, that a material is not a suspect asbestos-containing material.

(iii) For renovations performed by the owner-occupant of a single-family residence, all suspect materials (~~shall~~) must be handled as presumed asbestos-containing materials unless determined otherwise by analyzing for asbestos content using the procedures in 40 CFR Part 763 Subpart E, Appendix E, Section 1. The results of the analysis must be documented and maintained at the project site in a readily available format during renovation. An asbestos inspection is not required to be performed by an AHERA certified building inspector at a single-family residence when the renovation project is performed by the owner-occupant. An asbestos inspection is required to be performed when a demolition project is planned.

~~((b) The results of any asbestos inspection required under this rule shall be documented and be posted by the property owner or owner's agent.))~~

(2) **Demolition.**

(a) Prior to performing any demolition project, the property owner or the owner's agent (~~shall~~) must obtain an asbestos inspection of the structure or part of the structure where the demolition will occur for the presence of asbestos. The asbestos inspection (~~shall~~) must be performed by an AHERA accredited building inspector.

(b) Samples of suspect asbestos-containing materials (~~shall~~) must be collected by an AHERA accredited building inspector for analysis to determine the amount and type of asbestos present in the material.

(c) Any material presumed to be asbestos-containing material is not required to be sampled by an AHERA accredited building inspector. Any material presumed to be asbestos-containing material (~~shall~~) must be handled as though it was an asbestos-containing material.

(d) Only an AHERA accredited building inspector may determine, by performing an asbestos inspection, that a material is not a suspect asbestos-containing material.

(e) Suspect materials collected (~~shall~~) must be analyzed for asbestos content using the procedures and methods in 40 CFR Part 763 Subpart E, Appendix E, Section 1.

(f) A summary of the results of the asbestos inspection (~~shall~~) must be documented and (~~shall~~) either be posted by the property owner or owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.

(g) Prior to demolition, all identified or presumed asbestos-containing material must be removed as an asbestos project in accordance with SWCAA 476-060.

(h) Regardless of the amount of asbestos-containing material present (including none), a (~~Notification~~) Notice of Demolition must be submitted to SWCAA on SWCAA approved forms and include a copy of the asbestos inspection report prior to commencing a demolition project in accordance with SWCAA 476-050(2). In no event (~~shall~~) may a project or activity proceed on a date other than the date indicated on the notification.

(i) If the facility is to be demolished by intentional burning, all asbestos-containing material (~~shall~~) must be removed as an asbestos project in accordance with SWCAA 476-080.

(j) An asbestos survey is not required prior to demolition of an underground storage tank. However, if suspect asbestos-containing material is identified during the demolition of an underground storage tank, work (~~shall~~) must cease until it is determined whether or not

the suspect asbestos-containing material is asbestos-containing material by the procedures and methods in 40 CFR Part 763 Subpart E, Appendix E, Section 1.

(3) **Asbestos Inspection Procedures.**

(a) All suspect asbestos-containing materials (including materials on the outside of the structure) that may be disturbed during the project must be sampled or presumed to be asbestos-containing material.

(b) The required number of bulk asbestos samples must be collected per the sampling procedures detailed in EPA regulation 40 CFR Part 763.86

~~((b))~~ (c) An AHERA accredited building inspector ~~((shall))~~ must collect, in a statistically random manner, a minimum of three (3) bulk samples from each homogeneous area of any surfacing material that is not presumed to be asbestos-containing material ~~((7))~~ and ~~((shall))~~ must collect the samples as follows:

(i) At least three (3) bulk samples ~~((shall))~~ must be collected from each homogeneous area that is 1,000 square feet or less.

(ii) At least five (5) bulk samples ~~((shall))~~ must be collected from each homogeneous area that is greater than 1,000 square feet but less than or equal to 5,000 square feet.

(iii) At least seven (7) bulk samples ~~((shall))~~ must be collected from each homogeneous area that is greater than 5,000 square feet.

~~((e))~~ (d) Except as provided for in 40 CFR 763.86 (b)(2)-(4), an AHERA accredited building inspector ~~((shall))~~ must collect, in a statistically random manner, at least three (3) bulk samples from each homogeneous area of thermal system insulation that is not presumed to be asbestos-containing material.

~~((d))~~ (e) An AHERA accredited building inspector ~~((shall))~~ must collect at least one (1) bulk sample from each homogenous area of any miscellaneous material that is less than 100 square feet and at least three (3) bulk samples from each homogeneous area of any miscellaneous material that is greater than or equal to 100 square feet that is not presumed to be asbestos-containing material.

~~((e))~~ (f) Except for wallboard, bulk samples ~~((shall))~~ must not be composited for analysis.

~~((f))~~ (g) Bulk samples ~~((shall))~~ must be analyzed for asbestos content by polarized light microscopy (PLM) using the method specified in 40 CFR Part 763, Subpart E, Appendix E, Section 1 ~~((7))~~ or a more effective method as approved or required by EPA.

(4) **Asbestos Inspection Report Requirements.** Asbestos inspection reports ~~((shall))~~ must contain, at a minimum, all of the following information:

(a) General Information.

(i) Date the inspection was performed;

(ii) AHERA accredited building inspector name and signature, certification number, date certification expires, and name and address of entity providing AHERA accredited building inspector certification;

(iii) Site address/location where the inspection was performed;

(iv) Description of the structure(s)/area(s) inspected (e.g., use, approximate age, ~~((and))~~ approximate outside dimensions);

(v) The purpose of the inspection (e.g., pre-demolition asbestos survey, renovation of 2nd floor, removal of acoustical ceiling texturing due to water damage), if known;

(vi) Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area);

(vii) Identify and describe all homogeneous areas of suspect asbestos-containing materials, except where limitations of the asbestos survey identified prevented such identification, and include whether each homogeneous material is surfacing material, thermal system insulation, or miscellaneous material;

(viii) Identify and list materials presumed to be asbestos-containing materials in the inspection report;

(ix) Exact location where each bulk asbestos sample was taken (e.g., schematic or other detailed description sufficient for any person to match the material(s) sampled and tested to the material(s) on site); and

(x) Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:

(a) Laboratory name ~~((τ))~~ and address;

(b) Bulk sample numbers;

(c) Bulk sample descriptions;

(d) Bulk sample results showing asbestos content; and

(e) Name of the person at the laboratory that performed the analysis.

(b) Information Regarding Asbestos-Containing Materials (including those presumed to contain asbestos).

(i) Describe the color of each asbestos-containing material;

(ii) Identify the location of each asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project (e.g. using schematics, detailed description, or both);

(iii) Provide the approximate quantity of each asbestos-containing material in square feet or linear feet; and ~~((τ))~~

(iv) Describe the condition of each asbestos-containing material (good or damaged). If the asbestos-containing material is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, or fire damage).

(5) **Asbestos Inspection ((Posting)) Report Availability.** Except as provided for in SWCAA 476-040(7), a complete copy of an asbestos inspection report must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by SWCAA and all persons at the work site. This applies even when the asbestos inspection performed by an AHERA accredited building inspector states there are no asbestos-containing materials in the work area. During demolition, if it is not practical to post the asbestos inspection report, it must be readily accessible and made readily available for inspection by SWCAA and all persons at the demolition site and a summary of the results of the asbestos inspection must be communicated in writing to all persons who may come into contact with the material.

(6) **Asbestos ((Survey)) Inspection Report Retention.** The property owner or owner's agent ~~((τ))~~ and the AHERA accredited building inspector ~~((that))~~ who performed the asbestos inspection ~~((when the asbestos inspection has been performed by an AHERA accredited building inspector), shall))~~ must retain a complete copy of the asbestos inspection report for at least 24 months from the date the inspection was performed and provide a copy to SWCAA upon request.

(7) **Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.** It is not required that an AHERA accredited building inspector sample any material presumed to be asbestos-containing material. If material is presumed to be asbestos-containing material, this determination ~~((shall))~~ must be posted by the property

owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site. The determination (~~shall~~) must include a description, approximate quantity, and location of presumed asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project. The property owner, owner's agent, and the person that determined that material would be presumed to be asbestos-containing material (~~shall~~) must retain a complete copy of the written determination for at least 24 months from the date it was made and (~~shall~~) provide a copy to SWCAA upon request.

(8) **Alternate Asbestos Inspection.** A written alternate asbestos inspection method (~~shall~~) must be prepared and used on occasions when conventional sampling methods required in EPA regulation 40 CFR 763.86 cannot be exclusively performed. All other asbestos inspection requirements of this regulation apply. For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof (e.g. when materials are not intact or homogeneous areas are not identifiable). Conventional sampling methods (~~shall~~) must not be used for rubble or debris piles, and ash or soil unless approved otherwise in writing by SWCAA. If conventional sampling methods cannot exclusively be used and material is not presumed to be asbestos-containing material, alternate asbestos inspection methodology must be used alone or, when possible, in combination with conventional inspection methodology. An alternate asbestos inspection methodology typically includes random sampling according to a grid pattern (e.g. random composite bulk samples at incremental 1' depths from 10' x 10' squares of a debris pile) (~~is~~) but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, *Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies*, EPA/600/R-92/128, July 1992.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 20-06-006 filed 2/20/20, effective 3/22/20)

SWCAA 476-050 Notification Requirements and Fees

(1) **Applicability.** No person (~~shall~~) must cause or allow work on an asbestos project or demolition activity unless the owner or owner's agent has submitted a complete notification to SWCAA on SWCAA approved forms, in accordance with the advance notification period requirements and fees as provided in the current SWCAA Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(a) A SWCAA approved Notice of Intent to Remove Asbestos is required for all asbestos projects. A Notice of Intent to Remove Asbestos is not required for removal of nonfriable asbestos-containing roofing material. The owner (~~or~~) or operator (~~shall~~) must maintain documentation to substantiate qualification for the exemption.

(b) A SWCAA approved (~~Notification~~) Notice of Demolition is required prior to commencing any demolition activity.

(c) The (~~approval date~~) notification period to perform a project will (~~be~~) start on the date that all required submittals and fees are received (~~at~~) by SWCAA.

(i) For asbestos and demolition projects that are subject to Title 40 Code of Federal Regulations, Part 61, Subpart M, the notification period (~~shall~~) will be 10 days following submittal of a complete notification.

(ii) For asbestos and demolition projects that are not subject to Title 40 Code of Federal Regulations, Part 61, Subpart M, the notification period (~~shall~~) will be 10 days following submittal of a complete notification.

(iii) The asbestos or demolition project may commence on the day following the notification period. Asbestos projects performed by the owner-occupant are not subject to this requirement but must provide prior notification.

(d) (~~In no event shall a project or activity proceed on a date other than the date indicated on the notification.~~) A certified asbestos worker or an owner-occupant performing an asbestos project must be present at the project site during the date(s) and times specified on the Notice of Intent to Remove Asbestos.

(e) The duration of the asbestos project (~~, maintenance activity, renovation,~~) or demolition activity (~~or project shall~~) must not exceed one (1) year beyond the original project starting date.

(f) The notification (~~shall~~) will expire on the project completion date as specified by the owner or owner's agent on the notification unless amended prior to the completion date.

(g) Except as provided in SWCAA 476-050 (5)(c), a copy of the SWCAA approved notification(~~,~~) and all amendments (~~and the asbestos inspection report shall~~) must be available for inspection at the project site at all times until completion of the project.

(h) For an asbestos project or demolition activity that will begin or end on a date other than the date(s) contained in the original notification, the owner or the owner's agent (~~shall~~) must notify SWCAA as soon as possible before the original start or end date. In no event (~~shall~~) may a project or activity begin or end on a date other than the date indicated in the revised notification.

(2) **Advance Notification Period and Fee.** Any notification required by SWCAA 476-050(1) (~~shall~~) will be considered incomplete until all the information required by SWCAA 476-050(1) is received by SWCAA and accompanied by the appropriate fee. The advance notification period and appropriate fee (~~shall~~) must be determined as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(3) **Annual notification.** In lieu of the notification requirements of SWCAA 476-050(1), the owner or operator of a facility may submit to SWCAA, on the SWCAA approved form, an annual notification to conduct asbestos removal projects on one or more buildings, vessels, or structures at the facility during each calendar year for the purpose of scheduled maintenance or emergency repairs for removal of small quantities of asbestos-containing material as identified below. The requirements of SWCAA 476-050(1) (~~shall~~) do not apply to asbestos projects undertaken during the calendar year at the applicable facility if all of the following conditions are met:

(a) Annual notifications (~~shall~~) must be submitted to SWCAA for approval before commencing work on any asbestos projects specified in an annual notification.

(b) The (~~total~~) amount of asbestos-containing material for (~~all~~) each asbestos project(~~s~~) from each structure, vessel, or building in a calendar year under this section (~~shall~~) must be limited to less than 260 linear feet on pipes and 160 square feet on other components.

(c) Any asbestos project involving at least 260 linear feet on pipes or 160 square feet or more on other components for each building, vessel, or structure at the facility (~~shall be~~) is subject to

the notification requirements of SWCAA 476-050(1) and 476-050(2) and not the annual notification requirements.

(d) A copy of the annual notice (~~shall~~) must be available for inspection at the property owner's or operator's office until the end of the calendar year.

(e) Asbestos-containing waste material generated from asbestos projects filed under an annual notification may be stored for disposal at the facility if all of the following conditions are met:

(i) All asbestos-containing waste material (~~shall~~) must be treated in accordance with SWCAA 476-070(1);

(ii) Accumulated asbestos-containing waste materials collected from each asbestos project (~~shall~~) must be kept in a controlled storage area posted with one (1) or more highly visible asbestos warning signs and accessible only to authorized persons; and

(iii) For storage of asbestos-containing waste material longer than 10 days, the owner(~~),~~ operator, or owner's agent (~~shall~~) must apply to SWCAA for a Temporary Asbestos Storage Facility Authorization unless the asbestos-containing waste material is handled as dangerous waste in accordance with WAC 173-303. Asbestos-containing waste material (~~shall~~) must only be disposed of at sites operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction.

(f) Annual notifications (~~shall~~) must be submitted by the facility owner or operator on forms provided by SWCAA. Notifications (~~shall~~) must be submitted to SWCAA at least 10 days in advance of the start date and (~~shall~~) be accompanied by the annual fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(g) The facility owner or operator (~~shall~~) must submit quarterly reports to SWCAA within (~~fifteen~~)15(~~)~~ days after the end of each calendar quarter. Each quarterly report (~~shall~~) must be submitted on forms provided by SWCAA or an alternate format approved by SWCAA.

(4) **Amendments.** An amended notification (~~shall~~) must be submitted to SWCAA prior to deviating from any of the information contained in a notification as detailed below. Amended notifications addressed by this section (~~shall~~) must be filed by the original applicant, received by SWCAA no later than the asbestos project date, and are limited to the following revisions:

(a) A change in the job size category because of identification of additional asbestos-containing material. In this case, the fee (~~shall~~) will be increased accordingly and the total fee (~~shall~~) will be equal to, but not exceed, the fee amount provided for the new job size category as specified in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098;

(b) The project starting or completion date, provided the total duration of the work does not exceed one (1) calendar year beyond the original starting date. The commencement date of the original advance notification period (~~shall~~) will apply with no additional waiting period required for amended notifications. If an amended notification results in a job size category that requires a waiting period and the original notification did not require a waiting period, the advance notification period (~~shall~~) will commence on the date the original application was submitted;

(c) Name, mailing address, and telephone number of the owner or operator of the asbestos project site or operation;

(d) Waste disposal site, provided the revised waste disposal site is operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction;

(e) Method of removal or compliance procedures, provided the revised work plan meets the asbestos emission control and disposal requirements of SWCAA 476-060 and 450-070;

(f) Description, size (total square feet or number of floors), and approximate age of the building, vessel, or structure at the original address or location; and

(g) An amendment fee (~~(shall)~~) will be incurred after the second revision to the original notification and for every subsequent revision thereafter in accordance with the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(5) Emergencies.

(a) SWCAA may waive the required advance notification period if the property owner or owner's agent demonstrates in writing to SWCAA that an asbestos project or demolition must be conducted immediately as defined in SWCAA 476-030(15).

~~((because of any of the following:~~

~~(i) There was a sudden, unexpected event that resulted in a public health or safety hazard; or~~

~~(ii) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or~~

~~(iii) Asbestos-containing materials were encountered that were not identified during the asbestos inspection; or~~

~~(iv) The project must proceed to avoid imposing an unreasonable financial burden.))~~

(b) Each emergency waiver request (~~(shall)~~) must include a fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(c) If the emergency asbestos project or demolition occurs during non-business hours, notification to SWCAA must ~~((occur no later than the next business day.))~~ be submitted prior to the start of the asbestos project. A copy of the notification and all amendments must be available for inspection at the project site at all times until completion of the asbestos project. The project may proceed prior to receiving a SWCAA approved notification.

(6) **Abandoned Asbestos-Containing Material.** SWCAA may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials and for demolition of abandoned structures. All other requirements remain in effect.

(7) **State of Emergency.** If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, SWCAA may temporarily waive part or all of the project fee(s) and notification period by written authorization. The written authorization (~~(shall)~~) must reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

AMENDATORY SECTION (Amending WSR 20-06-006 filed 2/20/20, effective 3/22/20)

SWCAA 476-060 Procedures for Asbestos Projects

(1) **Project Requirements.** No person ((shall)) may cause or allow work on an asbestos project unless the following are met, except as provided in SWCAA 476-060(2):

(a) Any work on an asbestos project ((shall)) must be performed by a certified asbestos abatement contractor with certified asbestos workers under the direct, on-site supervision of a certified asbestos supervisor. Asbestos workers and asbestos supervisors must have a valid certification and identification card on-site. This requirement ((shall)) does not apply to asbestos projects conducted in accordance with SWCAA 400-060(2) for owner-occupied, single-family dwellings performed by the owner(≠)-occupant.

(b) The asbestos project ((shall)) must be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area ((shall)) must be restricted to ~~((authorized personnel only. This includes asbestos projects performed by the owner-occupant at owner-occupied, single family dwellings))~~ certified asbestos workers, owner-occupants performing an asbestos project, or regulatory authorities.

(c) All asbestos-containing material ((shall)) must be kept adequately wet while being removed from any structure, building, vessel, or component.

(d) No visible emissions, including fallout or track out, ((shall)) must result from an asbestos project.

(e) All asbestos-containing material that has been removed or may have fallen off components during the course of an asbestos project ((shall)) must be:

- (i) Kept adequately wet until collected for disposal;
- (ii) Collected for disposal at the end of each working day;
- (iii) Contained in a controlled area at all times until transported to a temporary asbestos storage site or waste disposal site;
- (iv) Placed into a leak-tight container before removal from containment area; and
- (v) Carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise handled in such a manner that may risk further damage to them; or transported to the ground via dust tight chutes or containers if they have been removed or stripped more than 50 feet above ground level and were not removed as a unit or in sections.

(f) Mechanical assemblies or components covered with, coated with, or containing asbestos-containing material, removed as a unit or in sections, ((shall)) must be contained in a leak((-))tight wrapping after wetting and ((shall)) be labeled in accordance with SWCAA 476-070 (1)(a)(iii).

(i) For large components such as boilers, steam generators, and large tanks, the asbestos-containing material is not required to be removed or stripped if the component can be removed, stored, transported, and deposited at a waste disposal site or reused without disturbing or damaging the asbestos.

(ii) Metal components such as valves, fire doors, and reactor vessels that have internal asbestos-containing material do not require wetting and leak tight wrapping if:

(a) All access to the asbestos-containing material is welded shut; or

(b) The component has mechanical seals in place that separate the asbestos-containing material from the environment and these seals cannot be removed by hand.

(g) Local exhaust ventilation and collection systems used on an asbestos project (~~shall~~) must:

(i) Be maintained to ensure the integrity of the system; and

(ii) When feasible, have one or more transparent plastic or glass viewing ports installed on the walls of the enclosure in such a manner that will allow for viewing inside the enclosure. When available, existing windows may be utilized for viewing ports.

(h) Local exhaust ventilation and collection systems, control devices, and vacuum systems, used on an asbestos project (~~shall~~) must be equipped with a HEPA exhaust filter, maintained in good working order, and (~~shall~~) must not allow (~~no~~) visible emissions.

(2) **Exemptions for Owner-Occupied, Single-Family Residence.** The requirements of SWCAA 476-060 (1)(a) (~~shall~~) do not apply to asbestos projects conducted in an owner-occupied, single-family residence by the resident owner of the residence.

(3) **Alternate Means of Compliance.**

(a) **Friable Asbestos-Containing Material Alternative Removal**

Methods

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to SWCAA that the planned control method will be effective as the work practices contained in SWCAA 476-060(1) in controlling asbestos emissions. The property owner or the owner's agent (~~shall~~) must document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8-hour average. SWCAA may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting(~~r~~) and may revoke the alternate removal method for cause.

(b) **Nonfriable Asbestos-Containing Material Alternative Removal**

Methods

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if an AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to SWCAA that the planned control method will be equally as effective as the work practices in SWCAA 476-060(1) in controlling asbestos emissions. SWCAA may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the planned control method is as effective as wetting(~~r~~) and may revoke the alternative removal method for cause.

(c) **Leaving Nonfriable Asbestos-Containing Material in Place During Demolition**

Nonfriable asbestos-containing material may be left in place during demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to SWCAA that the asbestos-containing material will remain nonfriable during all demolition activities and subsequent disposal of the debris. No asbestos-containing material (~~shall~~) may remain in

place if the demolition involves burning or other activities that would result in the potential release of asbestos-containing material to the ambient air. SWCAA may require additional conditions be included in the alternate removal method that are reasonably necessary to assure the asbestos-containing material remains nonfriable.

(4) **Exceptions for Hazardous Conditions.** Asbestos-containing material need not be removed prior to a demolition if the property owner or owner's agent demonstrates to SWCAA that it is not accessible because of hazardous conditions such as structures or buildings that are structurally unsound and may immediately collapse, or other conditions that are dangerous to life and health. The property owner or owner's agent must submit for approval the written determination of the hazard by an authorized government official or a licensed structural engineer((~~r~~)) and must submit a work plan containing the procedures as prepared by an AHERA project designer that will be followed for controlling asbestos emissions, including run off, during the demolition and disposal of the asbestos-containing waste material. SWCAA may require additional procedures be included in the work plan that are reasonably necessary to prevent the release of asbestos during the demolition.

AMENDATORY SECTION (Amending WSR 20-06-006 filed 2/20/20, effective 3/22/20)

SWCAA 476-070 Disposal of Asbestos-Containing Waste Material

(1) **Disposal Requirements.** No person ((~~shall~~)) may cause or allow work on an asbestos project unless the following procedures are employed during the collection, processing, packaging, or disposal of any asbestos-containing waste material:

(a) Treat all asbestos-containing waste material as follows:

(i) Adequately wet all asbestos-containing waste material;

(ii) After wetting, seal all asbestos-containing waste material in leak tight containers or wrapping to ensure that they remain adequately wet when deposited at a waste disposal site;

(iii) Permanently (indelible markers or labels made with indelible ink) label wrapped materials and each container with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the Occupational Safety and Health Administration. Permanently mark the label with the date the material was collected for disposal, the name of the waste generator, the name and affiliation of the certified asbestos supervisor (unless performed by owner-occupant at residential structure), and the location at which the waste was generated prior to removal from the controlled area;

(iv) Ensure that the exterior of each container is free of all asbestos residue;

(v) Exhibit no visible emissions during any of the operations required by this section; and

(vi) Asbestos-containing waste material ((~~shall~~)) must be stored in a controlled area until transported to, and disposed of, at a waste disposal site approved to accept asbestos-containing waste material.

(b) All asbestos-containing waste material ((~~shall~~)) must be deposited within 10 days after collection at a waste disposal site operated in accordance with the provisions of 40 CFR 61.154 or 61.155 and approved by the health department with jurisdiction. Asbestos-containing waste material may remain onsite longer than 10 days if the facility has a current Temporary Asbestos Storage Facility Authorization

and the asbestos-containing waste material is stored within that temporary storage facility as provided in SWCAA 476-070(3).

(c) All asbestos-containing waste material, handled as dangerous waste in accordance with WAC 173-303, (~~shall~~) may be excluded from the requirements of SWCAA 476-070 (1)(a)(iii) and 476-070 (1)(b).

(2) Waste Tracking Requirements.

No person (~~shall~~) may cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

(a) Maintain waste shipment records, beginning prior to transport, using a separate form for each waste generator that includes all of the following information:

(i) The name, address, and telephone number of the waste generator.

(ii) The approximate quantity in cubic meters or cubic yards.

(iii) The name and telephone number of the disposal site operator.

(iv) The name and physical site location of the disposal site.

(v) The date transported.

(vi) The name, address, and telephone number of the transporter.

(vii) A certification from the waste generator that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

(b) Provide a copy of the waste shipment record to the transfer station/disposal site owner or operator at the same time the asbestos-containing waste material is delivered. If requested by the disposal site operator, a copy of the Alternate Work Plan or written determination as specified pursuant to SWCAA 476-060(3) (~~shall~~) must also be provided to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.

(c) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, the waste generator (~~shall~~) must contact the transporter or the owner or operator of the disposal site to determine the status of the waste shipment.

(d) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 calendar days of the date the waste was accepted by the initial transporter, report in writing to SWCAA. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

(e) Retain a copy of all waste shipment records for 24 months from the date it was generated, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of waste shipment records (~~shall~~) must be provided to SWCAA upon request.

(3) Alternative Storage Method Temporary Asbestos Storage Facility. The owner or operator of a licensed asbestos abatement company or disposal facility may apply to SWCAA to establish a temporary facility for the purpose of collecting and temporarily storing asbestos-containing waste material.

(a) No person ~~((shall))~~ may cause or allow the operation of a temporary asbestos storage facility without the prior written approval of SWCAA.

(b) The owner or operator must submit a complete application for establishment of a temporary asbestos storage facility on forms provided by SWCAA. When approved, an Asbestos Storage Facility Authorization will be returned to the owner or operator by SWCAA to be posted at the entrance to the facility or on file at the facility office.

(c) A temporary asbestos storage facility ~~((shall))~~ must meet the following general conditions:

(i) Asbestos-containing waste material must be stored in a leak tight container in a secured building or in a secured exterior enclosure; and

(ii) The secured building or enclosure must be locked except during transfer of asbestos-containing waste material.

(4) **Alternative Disposal Method Asbestos-Cement Water Pipe.** Asbestos-cement pipe used on public right-of-ways or public easements ~~((shall))~~ may be excluded from the disposal requirements of SWCAA 476-070 (1)(b) if the following condition is met:

(a) The asbestos-cement pipe is maintained intact, not crushed or broken, and is left in place under at least 3 feet of backfill and the location noted on deeds, easements and other applicable property and legal documents. Prior written approval from SWCAA is required. ~~((If the asbestos-cement pipe has been crushed or broken and left in place, the location shall be subject to the active waste disposal site requirements of 40 CFR 61.154.))~~ It is prohibited for asbestos-cement pipe to be crushed or broken and left in place.

AMENDATORY SECTION (Amending WSR 18-13-053 filed 6/13/18, effective 7/14/18)

SWCAA 476-080 Demolition by Intentional Burning

Prior to performing any fire training exercise involving intentional burning as a method of demolition, the following steps ~~((shall))~~ must be completed:

(1) The owner or owner's agent ~~((shall))~~ must obtain an asbestos inspection of any suspect asbestos-containing materials (including non-friable roofing materials). The asbestos inspection ~~((shall))~~ must be performed by an AHERA accredited building inspector as provided in SWCAA 476-040.

(2) If asbestos-containing material is present, regardless of amount, the asbestos-containing material ~~((shall))~~ must be removed as an asbestos project in accordance with SWCAA 476-050 and SWCAA 476-060.

(3) If there is no asbestos-containing material in the work area, this determination ~~((shall))~~ must either be posted at the work area or communicated in writing to all persons involved in the demolition project by the owner or owner's agent.

(4) A summary of the results of the asbestos inspection ~~((shall))~~ must be submitted to SWCAA by the owner or owner's agent along with the ~~((Notification))~~ Notice of Demolition as provided in SWCAA 476-050.

(5) The fire district or other organization involved in the fire training exercise as a method of demolition ~~((shall))~~ must notify SWCAA of the date, time, and location of the proposed exercise and the fire district contact person and phone number for that exercise at least 10 days in advance of the exercise.

(6) The owner or owner's agent (~~shall~~) must provide notice of the fire to the owners of property adjoining the property on which the fire will occur at least 10 days in advance of the exercise.

(7) No fire training exercise that involves intentional burning as a method of demolition (~~shall~~) may be allowed without prior written approval from SWCAA as described in SWCAA 425-060.

WSR 25-24-021

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed November 21, 2025, 3:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-15-155.

Title of Rule and Other Identifying Information: Two new sections of WAC in chapters 308-101 and 308-111 WAC: WAC 308-101-215 Sanctions—Attorney misconduct, and 308-111-240 Sanctions—Attorney misconduct.

Hearing Location(s): On January 7, 2026, at 11:00 a.m., via Zoom meeting at <https://us06web.zoom.us/j/83028863975?pwd=ao723ss9Iv1GwKB503r12UtlqwKWtE.1>, Meeting ID 830 2886 3975, Pass-code 663570; or one-tap mobile +12532158782,,83028863975#,,,,*663570# US (Tacoma), +12532050468,,83028863975#,,,,*663570# US. Join instructions at <https://us06web.zoom.us/join/83028863975?pwd=ao723ss9Iv1GwKB503r12UtlqwKWtE.1> signature=9vrIkwzbb3a2X9TjUxLJAhvZOUvl4taxRhee7P8pgsM. If you are having trouble accessing the virtual meeting, please call 360-902-3486 at the time of the hearing to request assistance. Please email rulescoordinator@dol.wa.gov if you would like to request an interpreter, or other accommodations, at least one week in advance of the public hearing.

PLEASE NOTE: Hearing participants are encouraged to attend in person or be prepared to use the telephonic option (call in) if they experience technical difficulties. In-person attendance will take place at Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: January 8, 2026.

Submit Written Comments to: Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, email rulescoordinator@dol.wa.gov, beginning November 21, 2025, by January 7, 2026.

Assistance for Persons with Disabilities: Contact Ellis Starrett, phone 360-902-3846, email rulescoordinator@dol.wa.gov, by December 31, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: New sections within chapters 308-101 and 308-111 WAC to create new rules which define expectations for attorneys appearing in administrative hearings before the department of licensing (DOL).

Reasons Supporting Proposal: DOL does not currently have any rules that govern the professional conduct of attorneys appearing before the agency. These rules would provide clarity on what DOL considers prohibited attorney conduct during administrative proceedings.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, 46.20.245 Mandatory revocation—Persons subject to suspension, revocation, or denial who are eligible for certain full credit—Notice—Administrative, judicial review—Rules—Application, 46.25.140 Rules, 46.61.5056 Alcohol and drug violators—Information school—Evaluation and treatment, and 46.20.331 Hearing and decision by director's designee.

Statute Being Implemented: RCW 46.20.308(8) Implied consent—Test refusal—Procedures, 46.20.329 Formal hearing—Procedures, notice, stay; chapter 46.20 RCW, Drivers' licenses—Identical cards; chapter 46.65 RCW, Washington Habitual Traffic Offenders Act; chapter 46.25 RCW, Uniform Commercial Driver's License Act; RCW 46.61.5056 Alcohol and drug violators—Information school—Evaluation and treatment,

46.61.5056 Alcohol and drug violators—Information school—Evaluation and treatment, and 46.20.331 Hearing and decision by director's designee.

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

Name of Proponent: DOL, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Marguerite Friedlander, 1125 Washington Street S.E., Olympia, WA 98504, 360-664-1523.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5) (a) (i) does not apply to this rule and DOL is not voluntarily making it applicable.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. There is no cost to attorneys to not engage in misconduct that abuses the legal processes when practicing before DOL.

November 21, 2025

Ellis Starrett

Rules and Policy Manager

RDS-6688.4

NEW SECTION

WAC 308-101-215 Sanctions—Attorney misconduct. (1) Authority.

All attorneys appearing before the law judges within the department of licensing are prohibited from engaging in misconduct that abuses the legal process when practicing before the tribunal. Attorneys who, in the opinion of the presiding or reviewing judge, engage in misconduct during any stage of a department proceeding may be reprimanded or sanctioned.

(2) **Grounds for sanctions.** Misconduct includes, but is not limited to:

(a) Filing documents or media, or raising arguments for an improper purpose, including harassment or delay;

(b) Disruptive, disrespectful, or contemptuous behavior during any proceeding;

(c) Repeated presentation of frivolous motions, arguments, or evidence; or

(d) Engaging in conduct intended to disrupt the tribunal.

(3) **Possible sanctions.**

(a) The presiding judge may report violations to the appropriate licensing authority and/or impose one or more of the following sanctions:

(i) Verbal or written reprimand;

(ii) Excluding the attorney from further participation in the pending proceeding; or

(b) Upon referral from the presiding law judge, a reviewing law judge may temporarily or permanently exclude the attorney from future departmental proceedings if the conduct is egregious or reflects a pattern of unprofessional behavior.

(4) **Procedure.**

(a) The presiding judge must give the attorney notice of the alleged misconduct, the proposed sanction, and a reasonable opportunity to respond, either in writing or orally at hearing.

(b) Sanctions may be initiated by the presiding or reviewing judge.

(c) Any proposed sanction imposed must be stated on the record or in a written order, with the specific reasons and authority identified.

(d) The presiding or reviewing judge, after considering the full record, including any remarks and arguments made by the attorney at issue in their defense, shall render a written decision on the proposed sanction.

(5) **Review.**

(a) An attorney sanctioned under this section may request reconsideration of the final order. Such reconsideration request must be made within 10 days of the final order imposing the sanctions.

(b) If reconsideration is granted, the department's chief law judge, deputy director, or director may review the proposed sanction and take action that includes sustaining, dismissing, staying, or modifying the sanction. This action may also occur on the department's own motion.

RDS-6689.4

NEW SECTION

WAC 308-111-240 Sanctions—Attorney misconduct. (1) Authority.

All attorneys appearing before the referees within the department of licensing are prohibited from engaging in misconduct before the tribunal that abuses the legal process. Attorneys who, in the opinion of the referee, engage in misconduct during any stage of a department proceeding may be reprimanded or sanctioned.

(2) **Grounds for sanctions.** Misconduct includes, but is not limited to:

(a) Filing documents or media, or raising arguments for an improper purpose, including harassment or delay;

(b) Disruptive, disrespectful, or contemptuous behavior during any proceeding;

(c) Repeated presentation of frivolous motions, arguments, or evidence; or

(d) Engaging in conduct intended to disrupt the tribunal.

(3) **Possible sanctions.**

(a) The referee may report violations to the appropriate licensing authority and/or impose one or more of the following sanctions:

(i) Verbal or written reprimand;

(ii) Excluding the attorney from further participation in the pending proceeding; or

(b) Upon referral from the presiding referee, the reviewer may temporarily or permanently exclude the attorney from future departmental proceedings if the conduct is egregious or reflects a pattern of unprofessional behavior.

(4) **Procedure.**

(a) The referee must give the attorney notice of the alleged misconduct, the proposed sanction, and a reasonable opportunity to respond, either in writing or orally at hearing.

(b) Sanctions may be initiated by the referee.

(c) Any proposed sanction imposed must be stated on the record or in a written order, with the specific reasons and authority identified.

(d) The presiding or reviewing judge, after considering the full record, including any remarks and arguments made by the attorney at issue in their defense, shall render a written decision on the proposed sanction.

(5) **Review.**

(a) An attorney sanctioned under this section may request reconsideration of the final order. Such reconsideration request must be made within 10 days of the date the final order imposing the sanctions is signed.

(b) If reconsideration is granted, the department's chief law judge, deputy director, or director may review the proposed sanction and take action that includes sustaining, dismissing, staying, or modifying the sanction. This action may also occur on the department's own motion.

WSR 25-24-032

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)

[Filed November 25, 2025, 8:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-04-046.

Title of Rule and Other Identifying Information: The proposed rules make changes to chapter 388-76 WAC, Adult family home minimum licensing requirements; chapter 388-78A WAC, Assisted living facility licensing rules; chapter 388-97 WAC, Nursing homes; and chapter 388-107 WAC, Licensing requirements for enhanced services facilities: New WAC 388-76-10231 Resident roster and complete contact information, 388-97-1645 Resident roster and complete contact information, and 388-107-0565 Resident roster and complete contact information; and amending WAC 388-76-10000 Definitions, 388-76-10320 Resident record—Content, 388-76-10980 Remedies—Specific—Stop placement—Admissions prohibited, 388-78A-2020 Definitions, 388-78A-2410 Content of resident records, 388-78A-2440 Resident register, 388-78A-3200 Progression of enforcement remedies, 388-97-0001 Definitions, 388-97-0240 Resident decision making, 388-97-0260 Informed consent, 388-97-0280 Advance directives, 388-97-0300 Notice of rights and services, 388-97-0340 Protection of resident funds, 388-97-0360 Privacy and confidentiality, 388-97-0420 Work, 388-97-0480 Examination of survey results, 388-97-0580 Roommates/rooms, 388-97-0860 Resident dignity and accommodation of needs, 388-97-0880 Environment, 388-97-0900 Self determination and participation, 388-97-1720 Clinical records, 388-97-4540 Stop placement, 388-107-0001 Definitions, 388-107-0560 Resident records—Clinical records, and 388-107-1430 Enforcement authority—Penalties and sanctions.

Hearing Location(s): On January 27, 2026, at 10:00 a.m., virtually via Teams or call in. See the department of social and health services (DSHS) website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: Not earlier than January 28, 2026.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, beginning noon on November 26, 2025, by 5:00 p.m. on January 27, 2026.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, TTY 711 relay service, email shelley.tencza@dshs.wa.gov, by 5:00 p.m. on January 13, 2024 [2026].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These rules implement sections of SHB 1218, chapter 159, Laws of 2021, which:

- Requires facilities to create and regularly maintain a resident roster and complete contact information and respond to requests from the long-term care ombuds within specified time frames.
- Requires facilities to post stop placement orders in a conspicuous place.
- Replaces "his or her" with gender-neutral terms.
- Defines "resident representative" (applied in this rule making to adult family homes, nursing homes, and enhanced services facilities, which do not currently have a statutory definition).

Reasons Supporting Proposal: This rule making is necessary to implement sections of SHB 1218, chapter 159, Laws of 2021.

Statutory Authority for Adoption: RCW 18.20.090, 18.51.070, 70.97.230, 70.128.040, and chapter 70.129 RCW.

Statute Being Implemented: Chapter 74.39 RCW.

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

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, 360-725-2300.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is not a significant rule as defined in RCW 34.05.328

(5)(b)(iii): Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of exemptions: This rule is not a significant rule as defined in RCW 34.05.328 (5)(b)(iii): Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Scope of exemption for rule proposal:

Is fully exempt.

November 20, 2025
Katherine I. Vasquez
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 26-01 issue of the Register.

WSR 25-24-033

PROPOSED RULES

PENINSULA COLLEGE

[Filed November 25, 2025, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-08-047.

Title of Rule and Other Identifying Information: Academic honesty.

Hearing Location(s): February 17, 2026, at 2 p.m., at Peninsula College, 1502 East Lauridsen Boulevard, Cornaby Center, A-12, Port Angeles, WA 98362.

Date of Intended Adoption: February 17, 2026.

Submit Written Comments to: Trisha Haggerty, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, email thaggerty@pencol.edu, beginning December 1, 2025, by February 11, 2026.

Assistance for Persons with Disabilities: Contact Garrett Thompson, phone 360-417-6373, email ssd@pencol.edu, by February 11, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Peninsula College (college) is aligning our academic honesty policy and procedure with the student rights and responsibilities, chapter 132A-127 WAC.

Reasons Supporting Proposal: The college is providing standards of conduct for students regarding academic honesty definitions, discipline, and hearings to improve the college's ability to process academic dishonesty actions.

Statutory Authority for Adoption: RCW 28B.50.140(13).

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

Name of Proponent: Peninsula College, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Bruce Hattendorf, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, 360-417-6225.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule addresses academic honesty rules and procedures for students. It does not impact rights or responsibilities of small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

November 25, 2025
Trisha Haggerty
Rules Coordinator

RDS-6580.3

**Chapter 132A-129 WAC
ACADEMIC HONESTY**

NEW SECTION

WAC 132A-129-005 Commitment to academic honesty. When students enter Peninsula College, they are joining a community of scholars in an environment of open inquiry and academic honesty. This community is characterized by the freedom to express and to question. Responsibilities associated with this freedom include fostering mutual respect for diverse speech and beliefs and contributing to an atmosphere which engenders civility. The campus recognizes that the U.S. and the Washington state constitutions protect free speech and expression.

The college expects students to act in an honest and ethical manner and to accept responsibility for their own intellectual growth and academic achievement. The college campus is a forum in which disruption or interference with the college's stated educational mission and guiding principles will not be tolerated.

Plagiarism and/or cheating, as defined in the Peninsula College student rights and responsibilities, are not tolerated by Peninsula College. An individual who cheats or plagiarizes the works of others is subject to academic sanctions, including receiving a failing grade for the course in which such action takes place. In addition, plagiarism and/or cheating are violations of the student rights and responsibilities, and such actions may result in an official sanction by the conduct officer.

The college's approach to academic honesty policy is in accordance with the college's guiding principles.

Students accused of cheating or plagiarism are subject to the disciplinary actions and rights enumerated in the student rights and responsibilities. Cases of academic honesty are subject to both class-level academic penalties and college-wide disciplinary actions as defined in the student rights and responsibilities, chapter 132A-127 WAC.

Student rights and responsibilities defined: The term "student rights and responsibilities" shall refer to the rules contained within chapter 132A-127 WAC.

NEW SECTION

WAC 132A-129-010 Definition of academic honesty. The student rights and responsibilities defines academic dishonesty as any act of academic dishonesty, including:

(1) Cheating - Any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(2) Plagiarism - Taking and using as one's own, without proper attribution, the ideas, writings, work of another person, or artificial intelligence, in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(3) Fabrication - Falsifying data, information, or citations in completing an academic assignment; also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(4) Deliberate damage - Taking deliberate action to destroy or damage another's academic work or college property in order to gain an advantage for oneself or another.

NEW SECTION

WAC 132A-129-015 Discipline. (1) Disciplinary actions for acts of academic honesty may take two forms:

- (a) Academic disciplinary action penalties.
- (b) Code of conduct disciplinary actions.
- (2) Academic disciplinary actions.

(a) Academic penalties are enacted by the course instructor in accordance with the course syllabus and are limited to the following consequences:

- (i) Requiring a student to re-do an assignment;
- (ii) Diminishing a grade;
- (iii) Giving a failing grade for an assignment;
- (iv) Giving an extra or substitute assignment;
- (v) Giving a failing grade for the class.

(b) A faculty member accusing a student of academic dishonesty shall do the following:

(i) Assemble evidence, including the offending work, statements by any witnesses, and other evidence (like the original source in cases of plagiarism) that support the charge.

(ii) Notify the student about the concerns privately and provide a time and date for a face-to-face meeting to discuss the situation.

(iii) At the meeting, share the evidence with the student and allow them to respond. If the student adequately responds to the evidence and the instructor determines no academic discipline is needed, no further action is required. If the meeting does not clear the student, the instructor notifies the student that the case will also be reported to the student conduct officer.

(iv) Provide the student a written summary of the meeting and the evidence presented, giving them 21 days to appeal through the appeal process articulated below.

(v) Fill out a CARE report for a case of academic dishonesty, which goes to the student conduct officer.

- (3) Code of conduct disciplinary actions.

Students may also face conduct disciplinary action due to academic honesty violations. Code of conduct disciplinary actions are disciplinary sanctions as defined in the student rights and responsibilities, which may include suspension or any other appropriate sanction.

All code of conduct discipline shall be issued by the student conduct officer. If the student elects not to appeal the instructor's finding that academic dishonesty has occurred, the student conduct officer, upon receiving the conduct report and reviewing evidence provided by the instructor, decides whether further disciplinary action, as outlined by the student rights and responsibilities, will be enacted. The process for that disciplinary action and any appeal of that action follow the student rights and responsibilities unless otherwise amended below.

NEW SECTION

WAC 132A-129-020 Student appeal of academic dishonesty disciplinary actions. In keeping with the student rights and responsibilities, students in cases of academic dishonesty have a right to due process.

If a student disagrees with an instructor's determination that an academic honesty violation has occurred, the following steps are followed:

(1) Step 1: Appeal to instructor.

(a) The student should collect evidence demonstrating that the work was their own. Decisions of the college will be determined based on admissible evidence.

(b) Students bear the burden of proving they are the originator of course work. The standard of evidence is the preponderance of the evidence.

(c) At the one-on-one meeting with the instructor, the student should present their evidence. If the instructor finds the evidence compelling, the instructor may lift the academic disciplinary action and no further action or appeal is necessary.

(d) Regardless of the outcome of the meeting, the instructor provides a written summary of the meeting and its findings to the student within seven days.

(e) If the instructor finds the student in violation of the conduct code, the instructor notifies the student conduct officer of the findings through a CARE report. If the student accepts the instructor's decision, the student rights and responsibilities process is followed. If the student plans an appeal to the dean, the student conduct officer views the case as pending.

(2) Step 2: Appeal to dean.

(a) If the case is not resolved in the one-on-one meeting, the student may submit an appeal, including evidence, to the dean who supervises the faculty member, within 14 days after the student receives the written summary of the meeting with the faculty member.

(b) The dean meets with both the student and the faculty member and reviews the evidence they provide within 14 days.

(c) The dean provides a written decision to the student, the faculty member, and the student conduct officer within seven days after the meeting.

(d) If the dean clears the student of violating the academic honesty code, the process ends.

(e) If the dean finds the student responsible, the student rights and responsibilities process is followed.

(3) Appeals of conduct officer decisions for academic honesty are heard by the student conduct committee as per the student rights and responsibilities.

WSR 25-24-044

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed November 26, 2025, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-08-070.

Title of Rule and Other Identifying Information: In-home services agencies—Fee updates. The department of health (department) is proposing rule amendments to update and restructure fees for in-home services agencies in WAC 246-335-990.

Hearing Location(s): On January 6, 2026, at 3:00 p.m. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_U7QaOtTfSR2twV5caIm5Q. After registering, you will receive a confirmation email containing information about joining the webinar. The department will be offering a virtual webinar hearing only. Individuals may attend virtually or submit comments in writing.

Date of Intended Adoption: January 9, 2026.

Submit Written Comments to: John Hilger, P.O. Box 47850, Olympia, WA 98504-7850, email HSQAFeeRules@doh.wa.gov, <https://fortress.wa.gov/doh/policyreview/>, beginning the date and time of filing, by January 6, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact John Hilger, phone 360-236-2929, TTY 711, email john.hilger@doh.wa.gov, web doh.wa.gov, by December 30, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments to WAC 246-335-990 to increase and restructure in-home services fees for initial license, renewal, and other charges. Rule making is necessary to comply with RCW 43.70.250, update current rule language, and create an enforceable fee schedule. The department is proposing the following changes:

- Requiring a minimum two full-time employees per county per service for renewal fees.
- Eliminating the multiservice discount.
- Introducing a county-based surcharge.
- Implementing a discount for accredited and department of social and health services contracted agencies.
- Increasing fee amounts for initial application, renew, change of ownership, and other administrative fees.

Reasons Supporting Proposal: RCW 43.70.250 requires that licensure fees fully fund the work of licensing and regulating health care facilities. Current in-home services revenue, including fees for home care, home health, and hospice agencies, is insufficient to cover operating costs for the in-home services regulatory program (program). Current revenue is insufficient to recover operating expenditures for the program. The program ended fiscal year 2024 with a revenue shortfall of \$245,000. The department anticipates the current funding gap to widen as costs continue to increase in upcoming years, leading to a projected biennial shortfall of \$1,229,000 in the 2032-2033 biennium. To ensure the program's financial sustainability and maintain compliance with state statutory requirements, a fee increase is necessary.

Statutory Authority for Adoption: RCW 43.70.110, 43.70.250, and 70.127.090.

Statute Being Implemented: RCW 43.70.250.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: John Hilger, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2929.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is exempt from analysis according to RCW 34.05.328 (5)(b)(vi) because it is a rule that sets or adjusts fees pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemptions: The proposed rules set and adjust fees for in-home services agencies, including home care, home health, and hospice agencies, under RCW 34.05.310 (4)(f).

Scope of exemption for rule proposal:

Is fully exempt.

November 26, 2025
 Kristin Peterson, JD
 Chief of Policy
 for Dennis E. Worsham
 Secretary of Health

RDS-6826.4

AMENDATORY SECTION (Amending WSR 18-06-093, filed 3/6/18, effective 4/6/18)

WAC 246-335-990 Fees. (1) Initial license. An applicant shall submit to the department an initial (~~(twelve)~~) 12-month license fee of (~~(three thousand two hundred eighty-three dollars)~~) \$5,000 for each service category (home care, home health, hospice) for persons not currently licensed to provide in-home services in Washington state.

(2) Adding new service categories to existing license. A licensee shall submit to the department an initial (~~(twelve)~~) 12-month license fee of (~~(three thousand two hundred eighty-three dollars)~~) \$5,000 for each new service category (home care, home health, hospice, hospice care center) for licensees not currently licensed in that category to provide in-home services in Washington state.

(3) County surcharge. An applicant or licensee shall submit to the department a service area county surcharge. One county of operation for each applicant or licensee is not subject to a county surcharge. Each additional county of operation is charged at:

- (a) \$500 per urban county; and
- (b) \$100 per rural county.

(4) Renewal license. A licensee shall submit to the department a ~~((twenty-four))~~ 24 month renewal fee for home care, home health and hospice agencies, based on the number of full-time equivalents (FTEs), which is a measurement based on a ~~((forty))~~ 40 hour week and is applicable to paid agency personnel or contractors, according to Tables 1 and 2 of this section. The department will assume a minimum of ~~((1))~~ 2 FTE for each approved service area per service category. The licensee shall submit to the department a ~~((twenty-four))~~ 24 month renewal fee for hospice care centers, based on the number of beds, according to Tables 1 and 2 of this section~~((+))~~.

(a) ((For licenses with a single service category)) Unless eligible under (b) of this subsection, a licensee shall submit to the department applicable fees under Table 1:

Table 1 - Standard Renewal Fees

# of FTEs	Home Care	Home Health	Hospice	# of Beds	Hospice Care Center
5 or less	(((\$1,530.00)) <u>\$2,400.00</u>	(((\$3,283.00)) <u>\$5,100.00</u>	(((\$1,642.00)) <u>\$2,500.00</u>	5 or less	(((\$1,642.00)) <u>\$2,500.00</u>
6 to 15	(((\$1,783.00)) <u>\$2,800.00</u>	(((\$4,618.00)) <u>\$7,200.00</u>	(((\$1,856.00)) <u>\$2,900.00</u>	6 to 10	(((\$2,190.00)) <u>\$3,400.00</u>
16 to 50	(((\$1,916.00)) <u>\$3,000.00</u>	(((\$5,256.00)) <u>\$8,100.00</u>	(((\$2,383.00)) <u>\$3,700.00</u>	11 to 15	(((\$3,283.00)) <u>\$5,100.00</u>
51 to 100	(((\$2,244.00)) <u>\$3,500.00</u>	(((\$6,623.00)) <u>\$10,300.00</u>	(((\$4,120.00)) <u>\$6,400.00</u>	16 to 20	(((\$4,378.00)) <u>\$6,800.00</u>
101 or more	(((\$2,408.00)) <u>\$3,700.00</u>	(((\$6,820.00)) <u>\$10,600.00</u>	(((\$4,335.00)) <u>\$6,700.00</u>		

~~(b) ((For licenses with multiple service categories:~~

~~(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice, hospice care center); or~~

~~(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center).~~

~~(4))~~ A licensee shall submit to the department applicable fees under Table 2 when a licensee has satisfied the substantial equivalency requirements of WAC 246-335-350 and:

(i) Is medicare certified (home health and hospice agencies only);

(ii) Is accredited by an accrediting organization recognized by the department (home health and hospice agencies only); or

(iii) Is under contract with and monitored by DSHS or the AAA (home care agencies only).

Table 2 - Renewal Fees for Facilities Certified by Medicare, Accredited, or Contracted by DSHS or AAA

# of FTEs	Home Care	Home Health	Hospice	# of Beds	Hospice Care Center
<u>5 or less</u>	<u>\$1,700.00</u>	<u>\$3,600.00</u>	<u>\$1,800.00</u>	<u>5 or less</u>	<u>\$1,800.00</u>
<u>6 to 15</u>	<u>\$2,000.00</u>	<u>\$5,000.00</u>	<u>\$2,000.00</u>	<u>6 to 10</u>	<u>\$2,400.00</u>
<u>16 to 50</u>	<u>\$2,100.00</u>	<u>\$5,700.00</u>	<u>\$2,600.00</u>	<u>11 to 15</u>	<u>\$3,600.00</u>
<u>51 to 100</u>	<u>\$2,500.00</u>	<u>\$7,200.00</u>	<u>\$4,500.00</u>	<u>16 to 20</u>	<u>\$4,800.00</u>
<u>101 or more</u>	<u>\$2,600.00</u>	<u>\$7,400.00</u>	<u>\$4,700.00</u>		

(5) Change of ownership. A change of ownership fee of ~~((three hundred fifty dollars))~~ \$500 for each licensed service category (home care, home health, hospice, hospice care center). A new license will be issued and valid for the remainder of the current license period.

~~((+5))~~ (6) The department may charge and collect from a licensee a fee of ~~((one thousand five hundred thirty dollars))~~ \$5,000 for:

(a) An on-site follow-up compliance survey deemed necessary in order to complete the survey process;

(b) An on-site compliance survey deemed necessary due to failure of the licensee to adequately respond to a statement of deficiencies or a directed plan of correction;

(c) An on-site compliance survey deemed necessary due to a substantiated complaint investigation; or

(d) State licensing surveys conducted during renewal periods that require on-site survey time beyond two days.

~~((+6))~~ (7) A licensee that is not subject to the state survey requirement according to WAC 246-335-350 shall pay fees according to this section.

~~((+7))~~ (8) A licensee shall submit an additional late fee in the amount of ~~((fifty dollars))~~ \$50 per day. The additional late fee will not exceed ~~((six hundred fifty dollars))~~ \$1,000, from the renewal date, which is ~~((thirty))~~ 30 days before the current license expiration date, until the date of mailing the fee, as evidenced by the postmark, or electronic submission.

~~((+8))~~ (9) Refunds. The department shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed or provided by the department, two-thirds of the fees paid, less a ~~((fifty dollar))~~ \$50 processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed or provided by the department, one-third of the fees paid, less a ~~((fifty dollar))~~ \$50 processing fee.

~~((+9))~~ (10) The department may not refund applicant fees if:

(a) The department has performed more than one on-site visit for any purpose;

(b) Nine months has elapsed since an initial licensure application is received by the department, but no license has been issued due to applicant's failure to complete the requirements for licensure; or

(c) The amount to be refunded as calculated by subsection ~~((+8))~~ (9)(a) or (b) of this section is ten dollars or less.

WSR 25-24-078

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed December 1, 2025, 3:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-16-077.

Title of Rule and Other Identifying Information: Birthing center fees. The department of health (department) is proposing rule amendments to update the existing fees and adding a fee and fee structure to include accreditation status for birthing centers in WAC 246-329-990.

Hearing Location(s): On January 6, 2026, at 2:00 p.m. Register in advance for this webinar at https://us02web.zoom.us/webinar/register/WN_x-pSSGDeTqaqxIYgK240wA. After registering, you will receive a confirmation email containing information about joining the webinar. The department will be offering a virtual webinar hearing only. Individuals may attend virtually or submit comments in writing.

Date of Intended Adoption: January 9, 2026.

Submit Written Comments to: John Hilger, P.O. Box 47850, Olympia, WA 98504-7850, email HSQAFeeRules@doh.wa.gov, web <https://fortress.wa.gov/doh/policyreview/>, beginning the date and time of filing, by January 6, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact John Hilger, phone 360-236-2929, TTY 711, email john.hilger@doh.wa.gov, web doh.wa.gov, by December 30, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing amendments to WAC 246-329-990 to increase birthing center fees for initial license, renewal, and other charges. Rule making is necessary to comply with RCW 43.70.250, update current rule language, and create an enforceable fee schedule. These changes also include an accreditation category for fees.

Reasons Supporting Proposal: RCW 43.70.250 requires that licensure fees fully fund the work of licensing and regulating health care facilities. Current birthing center revenue is insufficient to cover operating costs for the birthing center regulatory program (program). The program ended fiscal year (FY) 2024 with a revenue shortfall of \$85,000. The department anticipates the current funding gap to widen as costs continue to increase in upcoming years, leading to a projected annual shortfall of \$105,000 by FY 2030. To ensure the program's financial sufficiency and sustainability, and maintain compliance with state statutory requirements, a fee increase is necessary.

Statutory Authority for Adoption: RCW 18.46.030, 43.70.110, and 43.70.250.

Statute Being Implemented: RCW 43.70.250.

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

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: John Hilger, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-2929.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule is exempt from analysis according to RCW 34.05.328 (5) (b) (vi) be-

cause it is a rule that sets or adjusts fees pursuant to legislative standards.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Explanation of exemptions: The proposed rules set and adjust fees for birthing centers under RCW 34.05.310 (4) (f).

Scope of exemption for rule proposal:

Is fully exempt.

December 1, 2025
Kristin Peterson, JD
Chief of Policy
for Dennis E. Worsham
Secretary of Health

RDS-6631.4

AMENDATORY SECTION (Amending WSR 25-15-078, filed 7/15/25, effective 8/15/25)

WAC 246-329-990 Fees. The purpose of the fees section is to describe the fees associated with licensing, renewal, and other charges assessed by the department.

(1) A birthing center recognized as a charitable, nonprofit, or government-operated institution is exempt from fees under RCW 18.46.030.

(2) A birthing center shall submit a \$3,000 application fee to the department.

(3) A birthing center ~~((s))~~ licensed under chapter 18.46 RCW ~~((must))~~ shall submit to the department an annual renewal fee of ~~((713 to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.~~

~~(2-))~~ either:

(a) \$3,000 for a birthing center; or

(b) \$1,800 for an accredited birthing center under RCW 18.46.080.

(4) A change of ownership fee of ~~((178))~~ \$1,000. A new license will be issued and valid for the remainder of the current license period.

~~((3))~~ (5) The department may charge and collect from a licensee a fee of ~~((892))~~ \$3,000 for:

(a) An on-site follow-up compliance survey deemed necessary in order to complete the standard survey process;

(b) An on-site compliance survey deemed necessary due to failure of the licensee to adequately respond to a statement of deficiencies; or

(c) An on-site compliance survey deemed necessary due to a substantiated complaint investigation.

~~((4))~~ (6) A licensee ~~((must))~~ shall submit an additional late fee in the amount of ~~((29))~~ \$50 per day, not to exceed ~~((595))~~

\$1,000, from the renewal date (which is 30 days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark, or electronic submission.

~~((5))~~ (7) Refunds. The department (~~must~~) shall refund fees paid by the applicant for initial licensure as follows:

(a) If an application has been received but no on-site survey or technical assistance has been performed by the department, two-thirds of the fees paid, less a \$50 processing fee; or

(b) If an application has been received and an on-site survey or technical assistance has been performed by the department, one-third of the fees paid, less a \$50 processing fee.

(c) The department may not refund applicant fees if:

(i) The department has performed more than one on-site visit for any purpose;

(ii) One year has elapsed since an initial licensure application is received by the department, but no license is issued because applicant failed to complete requirements for licensure; or

(iii) The amount to be refunded as calculated by (a) or (b) of this subsection is \$10 or less.

WSR 25-24-079

PROPOSED RULES

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed December 1, 2025, 3:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-21-038.

Title of Rule and Other Identifying Information: Continuing education (CE) and training requirements for dentists administering sedation. The dental quality assurance commission (commission) is proposing amending WAC 246-817-773 to ensure clear CE and training requirements.

Hearing Location(s): On January 16, 2026, at 10:00 a.m., at the Washington State Department of Health, TC2 Room 164, 111 Israel Road S.E., Tumwater, WA 98501; or via Zoom at https://us02web.zoom.us/join/https://us02web.zoom.us/join/register/WN_e0L0e3c-Rnu_shHLkBojmg. Please follow this link to register for the virtual hearing, which will give you instructions to either join the meeting on a device, or to call in to the meeting on the phone. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: January 16, 2026.

Submit Written Comments to: Debbie Gardner, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, email dental@doh.wa.gov, web <https://fortress.wa.gov/doh/policyreview>, beginning the date of and time of this filing, by January 6, 2026, at 11:59 p.m.

Assistance for Persons with Disabilities: Contact Debbie Gardner, program manager, phone 360-236-4893, TTY 711, email dental@doh.wa.gov, by January 6, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The commission is proposing amending WAC 246-817-773 Continuing education for dentists administering sedation, to ensure clear CE and training requirements. The commission updated rules for the administration of anesthetic agents for dental procedures, effective January 11, 2024, and added new WAC 246-817-773. The new section was adopted to combine sedation and endorsement CE requirements into one rule for simplicity. Upon implementation, it was noticed that some information on the table did not transfer correctly, and one category was unintentionally omitted. Further work with interested parties also identified other updates that are needed to provide further clarification.

The commission is proposing the following amendments:

- Amending the requirements for advanced cardiac life support (ACLS) and pediatric advanced life support (PALS) certifications to require both didactic and hands-on components for initial and renewal certification, and to align with the basic life support (BLS) training requirements.
- Removing ACLS and PALS from the table and explaining that BLS, ACLS, and PALS certification hours may not count towards sedation CE requirements.
- Adding venipuncture to the table that identifies CE subject categories, as it was unintentionally omitted from the table when the rules were last adopted.
- Changing the formatting and order of the columns on the table for clarity, increasing CE category options for sedation permit holders, correcting CE subject category titles for accuracy, and add-

ing two additional categories to clarify the requirements for the three- and five-year CE reporting periods.

Reasons Supporting Proposal: The proposed amendments are necessary to correct errors and provide explanation, which will set clear expectations regarding CE and training requirements for dentists administering sedation. The proposed rule amendments meet the intent of the underlying statutes by establishing clear and consistent sedation CE and training requirements for dentists who administer sedation in WAC 246-817-773.

The existing rule under the administration of anesthetic agents for dental procedures, WAC 246-817-720 Basic life support requirements, requires both didactic and hands-on components for initial and renewal BLS certification. Amending WAC 246-817-773 will clarify that ACLS and PALS certifications require both didactic and hands-on components for initial and renewal certification. Hands-on training helps the practitioner develop the competence and practical skills essential for actual emergency scenarios and increases patient safety. Additionally, the commission would like consistency across permit and endorsement requirements, ensuring that sedation CE hours contribute to the professional knowledge and development of the licensed dentist to enhance sedation services provided to patients.

Statutory Authority for Adoption: RCW 18.32.0365 and 18.32.640.

Statute Being Implemented: RCW 18.32.640.

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

Name of Proponent: Dental quality assurance commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Debbie Gardner, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4893.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Debbie Gardner, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, TTY 711, email dental@doh.wa.gov.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The entire proposed rule is exempt under RCW 19.85.025(4) as it only affects the dentist license, which does not meet the definition of "small business" in RCW 19.85.020.

Scope of exemption for rule proposal:

Is fully exempt.

November 25, 2025
Bryan Swanson, DDS, Chair
Dental Commission

RDS-6437.2

AMENDATORY SECTION (Amending WSR 24-01-033, filed 12/11/23, effective 1/11/24)

WAC 246-817-773 Continuing education for dentists administering sedation. Continuing education must contribute to the professional knowledge and development of the licensed dentist to enhance sedation services provided to patients.

(1) The continuing education reporting period for a licensed dentist that administers sedation in Washington before December 31, 2023, begins January 1, 2024.

(2) The five-year continuing education reporting period for a licensed dentist that administers minimal sedation with nitrous oxide or minimal sedation in Washington on January 1, 2024, or later begins the date of first administration of sedation.

(3) The three-year continuing education reporting period for a licensed dentist initially issued a moderate sedation with enteral agents, moderate sedation with parenteral agents, pediatric sedation endorsement, or general anesthesia permit in Washington on January 1, 2024, or later begins the date of permit issuance.

(4) A licensed dentist who holds a valid permit ~~((or))~~, endorsement, or administers minimal sedation with or without nitrous oxide shall complete required hours of continuing education in one or more of the subject categories as required in ~~((below))~~ Table 1. A licensed dentist who holds a valid permit and pediatric sedation endorsement shall complete required hours of continuing education in the pediatric sedation endorsement column, which may count toward moderate sedation continuing education requirements.

	((WAC 246-817-740 Minimal sedation with nitrous oxide— 7 hours	((WAC 246-817-745 Minimal sedation— 7 hours	((WAC 246-817-755 Moderate sedation with enteral agents— 7 hours	((WAC 246-817-760 Moderate sedation with parenteral agents—14 hours	((WAC 246-817-765 Pediatric sedation endorsement—14 hours	((WAC 246-817-770 General anesthesia and deep sedation— 18 hours
Appropriate use of immobilization devices					X	
ACLS	X	X	X			
Behavioral management						X
General anesthesia						X
Inhalation analgesia						X
Medical emergencies	X	X	X	X	X	X
Nitrous oxide analgesia	X	X	X	X	X	
Oral or intravenous sedation				X		
Oral sedation	X	X	X			
PALS	X	X	X	X		X
Patient evaluation	X	X	X	X	X	X
Patient monitoring	X	X	X	X	X	X
Pediatric behavioral management					X	
Pediatric pharmacology					X	
Pediatric physiological					X	
Pediatric sedation					X	
Pharmacology				X		X
Physiology	X	X	X	X		X))

Table 1

	WAC 246-817-740 Minimal sedation with nitrous oxide – 7 hours	WAC 246-817-745 Minimal sedation – 7 hours	WAC 246-817-755 Moderate sedation with enteral agents – 7 hours	WAC 246-817-760 Moderate sedation with parenteral agents – 14 hours	WAC 246-817-770 General anesthesia and deep sedation – 18 hours	WAC 246-817-765 Pediatric sedation endorsement – 14 hours
Appropriate use of immobilization devices					X	X
Behavioral management	X	X	X	X	X	X
General anesthesia					X	
Inhalation anesthetic					X	
Medical emergencies	X	X	X	X	X	X
Nitrous oxide sedation	X	X	X	X	X	X
Intravenous sedation				X	X	
Oral sedation		X	X	X	X	
Patient evaluation	X	X	X	X	X	X
Patient monitoring	X	X	X	X	X	X
Pediatric behavioral management					X	X
Pediatric pharmacology					X	X
Pediatric physiology					X	X
Pediatric sedation					X	X
Pharmacology	X	X	X	X	X	
Physiology	X	X	X	X	X	
Venipuncture				X	X	
Three-year CE reporting period			X	X	X	X
Five-year CE reporting period	X	X				

(5) ~~((Verification))~~ A licensed dentist shall submit a written declaration of completion of continuing education hours ~~((will be due))~~ on the dentist's sedation permit or endorsement renewal date beginning in 2027.

(6) Continuing education in subject categories identified in Table 1 in subsection (4) of this section may be completed using any of the activities or methods authorized in WAC 246-817-440 ~~((+4))~~ (5).

(7) Proof of continuing education requirements are listed in WAC 246-817-440 ~~((+5))~~ (6).

(8) Hourly credits earned from certification in basic life support (BLS), advanced cardiac life support (ACLS), and pediatric advanced life support (PALS) may not be used to meet the educational requirements in subsection (4) of this section. However, the hourly credits earned in BLS, ACLS, or PALS certification may be used to meet the requirements of WAC 246-817-440 to renew the dentist license.

(9) Initial and renewal BLS, ACLS, and PALS certification must include both didactic and hands-on components.

(10) Hourly credits earned from sedation continuing education requirements for licensed dentists who hold a moderate sedation with enteral agents permit, moderate sedation with parenteral agents permit, general anesthesia and deep sedation permit, or pediatric sedation endorsement are in addition to the educational requirements of WAC 246-817-440 to renew the dentist license.

WSR 25-24-089

PROPOSED RULES

DEPARTMENT OF COMMERCE

[Filed December 2, 2025, 9:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-19-086.

Title of Rule and Other Identifying Information: Chapter 365-250 WAC, The landlord mitigation program—Maintaining confidentiality of personally identifying information received through the landlord survivor relief program.

Hearing Location(s): On Monday, February 9, 2026, at 11:00 a.m. - 12:00 p.m., online/virtual via Zoom at [https://wastatecommerce.zoom.us/j/85926288380?](https://wastatecommerce.zoom.us/j/85926288380?pwd=aqoDkThkiLEcSnel3PdaJFxyLbaKD8.1)

Meeting ID 859 2628 8380, Passcode 387033. This hearing is open to the public. Registration is required at <https://wastatecommerce.zoom.us/meeting/register/K8rjes0sQ22NPBe3D9he9A>. Call-in option: One-tap mobile +12532158782,,85926288380#,,,,*387033# US (Tacoma).

Date of Intended Adoption: Monday, February 16, 2026.

Submit Written Comments to: Kayla Judd, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, email Kayla.Judd@commerce.wa.gov, beginning Wednesday, December 17, 2025, at 12:00 p.m., by Monday, February 9, 2026, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Kayla Judd, phone 360-725-3067, email Kayla.Judd@commerce.wa.gov, by Friday, January 23, 2026, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule-making process will develop rules pertaining to the redaction of personally identifying information from public records related to the landlord mitigation program and landlord survivor relief program. Rules are required to specify what personally identifying information can be redacted.

Reasons Supporting Proposal: Disclosing personally identifying information in public records requests could threaten the security of survivors of domestic violence, sexual assault, unlawful harassment, or stalking. Additionally, the department of commerce (commerce) may be unable to successfully defend redaction of personally identifying information in a court if WAC does not exist. This rule-making process addresses these concerns.

Statutory Authority for Adoption: RCW 43.31.605 pertains to the landlord mitigation program and grants rule-making authority as commerce deems necessary to administer the program.

Statute Being Implemented: RCW 43.31.605.

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

Name of Proponent: Department of commerce, governmental.

Name of Agency Personnel Responsible for Drafting: Kayla Judd, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, 360-725-3067; Implementation and Enforcement: Jeff Shannon, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504, 360-725-2949.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:
Is fully exempt.

December 2, 2025
Amanda Hathaway
Rules Coordinator

RDS-6836.1

Chapter 365-250 WAC

THE LANDLORD MITIGATION PROGRAM—MAINTAINING CONFIDENTIALITY OF PERSONALLY IDENTIFYING INFORMATION RECEIVED THROUGH THE LANDLORD SURVIVOR RELIEF PROGRAM

NEW SECTION

WAC 365-250-010 Purpose and authority. (1) The purpose of this chapter is to establish regulations for the department administering the landlord mitigation program regarding personally identifying information received through the landlord survivor relief program.

(2) Authority for this chapter and the following regulations is granted in RCW 43.31.605.

(3) The landlord mitigation program will maintain the confidentiality of all personally identifying information, confidential communications, and all confidential information received through the landlord survivor relief program. Information that individually or together with other information could identify a particular survivor of domestic violence, sexual assault, unlawful harassment, or stalking will also be kept confidential.

NEW SECTION

WAC 365-250-020 Definitions. "Personally identifying information" or "personal information" means individually identifying information for or about an individual. This includes information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected. This includes:

- (1) A first and/or last name;
- (2) Children's names;
- (3) A home or other physical address;
- (4) Contact information (including a postal, email, or internet protocol address, or telephone or facsimile number);

- (5) A Social Security number, driver license number, passport number, or student identification number;
- (6) Police reports or police report numbers;
- (7) Protection order numbers;
- (8) Signature;
- (9) Date of birth;
- (10) Racial or ethnic background;
- (11) Religious affiliation;
- (12) Other information that would personally identify a victim of domestic violence who seeks or has received services from a domestic violence program; or
- (13) Such other information which, taken individually or together with other identifying information, that would serve to identify any individual.

WSR 25-24-090

PROPOSED RULES

DEPARTMENT OF COMMERCE

[Filed December 2, 2025, 9:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-19-087.

Title of Rule and Other Identifying Information: Electric storage water heaters rule making; the department of commerce (commerce) is proposing to update the communication interface technical specification for electric storage water heaters to reflect more recent versions of the ANSI/CTA-2045-A standards listed in WAC 194-24-180 in order to maintain and improve consistency with the most up-to-date version of the standard and with comparable standards in other states.

Hearing Location(s): On January 7, 2026, at 3:00 - 5:00 p.m., via Zoom at https://wastatecommerce.zoom.us/meeting/register/J_HQ-D0S2qHx3axV4z_SQ.

Date of Intended Adoption: January 14, 2026.

Submit Written Comments to: Nick Manning, 1011 Plum Street S.E., email nick.manning@commerce.wa.gov, beginning December 3, 2025, by January 7, 2026.

Assistance for Persons with Disabilities: Contact Nick Manning, phone 564-200-4324, email nick.manning@commerce.wa.gov, by January 6, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 19.260.080 (1)(b) maintains that commerce may adopt by rule a more recent version of the interface standard and application layer requirements for electric storage water heaters. Commerce is proposing to update state standards for electric storage water heaters to reflect more recent versions of the ANSI/CTA-2045-A standards listed in WAC 194-24-180 in order to maintain and improve consistency with the most up-to-date version of the standard and with comparable standards in other states.

Reasons Supporting Proposal: Current rules include an out-of-date standard which has since been iterated on. Newer versions include all the requirements of the old one, but add increased specificity. Commerce needs to update rules now to avoid being out of step with other states and industry expectations.

Statutory Authority for Adoption: RCW 19.260.080.

Statute Being Implemented: RCW 19.260.080.

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

Name of Proponent: Washington state department of commerce, governmental.

Name of Agency Personnel Responsible for Drafting: Nick Manning, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 564-200-4324; Implementation and Enforcement: Brittany Wagner, 1011 Plum Street S.E., P.O. Box 42525, Olympia, WA 98504-2525, 360-764-0225.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Commerce is not a listed agency in RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules are adopting or incorporating by reference without material change federal

statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Is exempt under 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

December 2, 2025
Amanda Hathaway
Rules Coordinator

RDS-6805.1

AMENDATORY SECTION (Amending WSR 22-20-025, filed 9/23/22, effective 10/24/22)

WAC 194-24-180 Electric storage water heaters. (1) **Scope.** This rule applies to new electric storage water heaters manufactured on or after January 1, 2023.

(2) **Standard.** Electric storage water heaters must have a modular demand response communications port compliant with:

(a) The March 2018 version of the ANSI/CTA-2045-A communication interface standard, the February 2021 version of the ANSI/CTA-2045-B application layer requirements, or a standard determined by the department to be equivalent; and

(b) The March 2018 version of the ANSI/CTA-2045-A application layer requirements, or the February 2021 version of the ANSI/CTA-2045-B communication interface standard.

The interface standard and application layer requirements required in this subsection are the versions established in March 2018 and February 2021.

(3) Upon written request by a manufacturer, the department will determine whether an alternative communications port and communication interface standard are equivalent for the purposes of subsection (2) of this section.

(a) Any requested alternative must use a standard that is open and widely available and must provide the demand response functions provided using the standards identified in subsection (2) of this section.

(b) A request for designation of a standard must provide technical documentation demonstrating that the standard satisfies the requirements in (a) of this subsection and must describe any industry or stakeholder process used in developing the standard. The department will provide reasonable opportunity for input by utilities, manufacturers, technical experts and other interested stakeholders prior to determining whether the proposed standard is equivalent. The department will make available on a publicly accessible website any standard that it determines to be equivalent.

(4) **Testing.** There is no test method required for this product.

(5) **Listing.** There is no listing requirement for this product.

(6) **Marking.** Every unit of every electric storage water heater must have a label or marking indicating compliance with the standard in this section. The format and content of the label or marking must be approved in advance by the department.

WSR 25-24-093
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed December 2, 2025, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-11-036.

Title of Rule and Other Identifying Information: SECURE Act 2.0

Roth catch-up contributions.

Hearing Location(s): On January 8, 2026, at 2:00 p.m., via Microsoft Teams at <https://www.drs.wa.gov/sitemap/rules/#proposed-rule-hearings>, Meeting ID 244 227 909 755 63, Passcode yH6hM7Tw; or phone 833-322-1218, Code 468 381 155#.

Date of Intended Adoption: January 15, 2026.

Submit Written Comments to: Bianca Stoner, Department of Retirement Systems (DRS), P.O. Box 48380, Olympia, WA 98504-8380, email drs.rules@drs.wa.gov, beginning December 10, 2025, 8:00 a.m., by January 7, 2026, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Bianca Stoner, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, by January 6, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Beginning in January 2026, Section 603 of the SECURE Act 2.0 requires participants who are high-wage earners under the Internal Revenue Service wage threshold to make any age 50-plus catch-up contributions on a post-tax basis through Roth instead of on a pretax basis.

Reasons Supporting Proposal: DRS must carry out rule making to align its rules with this requirement.

Statutory Authority for Adoption: RCW 41.50.050 and SECURE Act of 2022 (P.L. 117-328).

Statute Being Implemented: SECURE Act of 2022 (P.L. 117-328).

Rule is necessary because of federal law, [no information supplied by agency].

Name of Proponent: DRS, governmental.

Name of Agency Personnel Responsible for Implementation: Seth Miller, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7304; and Enforcement: Mike Ricchio, DRS, P.O. Box 48380, Olympia, WA 98504-8380, 360-664-7227.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(a)(i) does not apply to this proposed rule, and DRS is not voluntarily making it applicable.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Rules from DRS only affect members and beneficiaries of the state retirement systems and participating public employers. As a result, the rules do not affect small businesses.

Scope of exemption for rule proposal:

Is fully exempt.

December 2, 2025
Bianca Stoner
Rules Coordinator

RDS-6577.3

AMENDATORY SECTION (Amending WSR 23-18-025, filed 8/25/23, effective 9/25/23)

WAC 415-501-315 What are my employer's responsibilities? An employer has responsibilities including, but not limited to, determining employees' eligibility to participate, reporting and paying deferrals to the department, ~~((and))~~ monitoring for deferral limits, reporting employees annually who meet certain Internal Revenue Service limits, and confirming deferral tax type. Employer contributions must be reported to the department separately from employee contributions.

The department's administration of the plan does not replace the employer's responsibilities.

AMENDATORY SECTION (Amending WSR 23-18-025, filed 8/25/23, effective 9/25/23)

WAC 415-501-430 Are there exceptions to the annual deferral limits? As allowed by the Internal Revenue Service, you may defer more than the annual deferral limit if you qualify to use one of the "catch-up" provisions described in this section. You may not use both catch-up provisions during the same taxable year. The same annual limits apply for both Roth and pretax deferrals. These limits are combined totals even if you contribute to both.

(1) **Age 50 and over:** You may defer a higher amount in any year that you are age 50 or older. The maximum you may defer each year is the sum of the annual deferral amount for the current taxable year plus the age 50 and over catch-up amount established by the IRS under 26 U.S.C. Section 414(v). Beginning January ~~((2024))~~ 2026, the catch-up amounts must be ~~((contributed to a Roth account))~~ reported as Roth contributions if you made more than \$145,000 (adjusted annually for inflation) in wages from your DCP employer in the prior calendar year. If you made \$145,000 or less in wages from your DCP employer in the prior calendar year, then you have the option to contribute the catch-up amounts as Roth deferrals. ~~((Beginning January 2025, the \$145,000 amount will be adjusted annually for inflation.))~~

(2) **Three years before normal retirement age:** You may defer a higher amount during a period of three consecutive years immediately preceding the taxable year in which you reach normal retirement age as defined in WAC 415-501-110 ~~((-10))~~ (13). The maximum you may defer during each of the three years is the lesser of:

(a) Twice the annual deferral limit; or

(b) The sum of the annual deferral limit for the applicable years, plus the portion of the annual deferral limit for any prior taxable year that you have not previously used.

(i) For years prior to 2002, amounts you deferred under certain other plans must be considered in determining the unused amount, consistent with Treasury Regulation 1.457-4 (c) (3) (iv).

(ii) A prior taxable year may be taken into account only if:

(A) It begins after December 31, 1978;

(B) You were eligible, during any portion of the taxable year, to participate in the plan; and

(C) Compensation deferred under the plan during that year, if any, was subject to a deferral limit under WAC 415-501-420.

Three-year catch-up example one: At age 64, Pat, a PERS 2 member, declares their normal retirement age of 66 and begins deferring the higher annual limit. Pat's intention is to retire at age 65 so that they can use the higher catch-up amounts in their final year of employment.

After a year, at age 65, Pat decides that they would like to work another year until age 66. Since Pat already declared age 66, the higher limit amount cannot be used beyond the year they turn 65. They cannot change their declared normal retirement age to 67 and continue with the higher deferral amounts for a third year.

Though Pat cannot change the normal retirement age once declared, there is no issue with working beyond the normal retirement age. They will only be able to defer the standard limit amount for their age, not the special three-year catch-up amounts in the year of their declared normal retirement age or beyond.

Three-year catch-up example two: At age 60, Alex has 30 years of service and declares their normal retirement age of 63 and begins to defer the higher annual limit. At age 62, they decide to retire and at the time of retirement defer their vacation leave cash out. This is acceptable as long as their deferrals for the year are not in excess of the catch-up limit. The declared age of 63 allows for catch-up deferrals in the calendar years that Alex was 60, 61, and 62; retiring prior to age 63 does not affect the years the higher deferral amounts are allowed.

WSR 25-24-100

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed December 2, 2025, 5:41 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-19-070.

Title of Rule and Other Identifying Information: WAC 458-40-540 Forest land values—2025, and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Hearing Location(s): On Tuesday, January 6, 2026, at 1:00 - 2:00 p.m. via Zoom. Please contact Cathy Holder at CathyH@dor.wa.gov or Barbara Imperio at BarbaraI@dor.wa.gov for login/dial-in information.

Date of Intended Adoption: February 3, 2026.

Submit Written Comments to: Tiffany Do, P.O. Box 47453, Olympia, WA 98504-7453, email TiffanyD@dor.wa.gov, fax 360-534-1606, beginning December 2, 2025, 5:30 p.m., by February 2, 2026, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Julie King, phone 360-704-5733, TTY 800-833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 84.33.091 requires the department of revenue (department) to revise the stumpage value tables every six months. The department established the stumpage value tables to inform timber harvesters of the timber values used to calculate the timber excise tax, WAC 458-40-660. The values in the proposed rule will apply from February 3, 2026, through June 30, 2026.

RCW 84.33.140 requires that forest land values be adjusted annually according to the statutory formula contained in RCW 84.33.140(3). The department proposes amending the forest land values rule, WAC 458-40-540, to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2026.

Reasons Supporting Proposal: This proposal provides the revised stumpage value tables for February 3, 2026, through June 30, 2026, and the forest land values for 2026.

Statutory Authority for Adoption: RCW 82.01.060(2) and 84.33.096.

Statute Being Implemented: RCW 84.33.091 and 84.33.140.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Tiffany Do, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1558; Implementation and Enforcement: Jeannette Gute, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1599.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Tiffany Do, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98501-7453, phone 360-534-1558, fax 360-534-1606.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The proposed rule does not impose more-than-minor costs on businesses, as it does not propose any new requirements

not already provided in statute. The proposed rule does not impose fees, filing requirements, or recordkeeping guidelines that are not already established in statute.

December 2, 2025
 Perry Stern
 Rules Coordinator

RDS-6748.2

AMENDATORY SECTION (Amending WSR 25-01-052, filed 12/11/24, effective 1/1/25)

WAC 458-40-540 Forest land values—((2025)) 2026. The forest land values, per acre, for each grade of forest land for the ((2025)) 2026 assessment year are determined to be as follows:

LAND GRADE	OPERABILITY CLASS	((2025)) <u>2026</u> VALUES PER ACRE
1	1	((\$226) <u>\$227</u>)
	2	((224) <u>225</u>)
	3	((210) <u>211</u>)
	4	((153) <u>154</u>)
2	1	((193) <u>194</u>)
	2	((186) <u>187</u>)
	3	((179) <u>180</u>)
	4	((127) <u>128</u>)
3	1	((149) <u>150</u>)
	2	((145) <u>146</u>)
	3	((143) <u>144</u>)
	4	((111) <u>112</u>)
4	1	((117) <u>118</u>)
	2	((112) <u>113</u>)
	3	((111) <u>112</u>)
	4	((84) <u>85</u>)
5	1	((84) <u>85</u>)
	2	74
	3	73
	4	52
6	1	43
	2	41
	3	41
	4	39
7	1	19
	2	19
	3	17
	4	17
8	1	1

AMENDATORY SECTION (Amending WSR 25-14-008, filed 6/23/25, effective 7/1/25)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This rule provides stumpage value tables and stumpage value adjustments used to calculate the amount of a harvester's timber excise tax.

(2) **Stumpage value tables.** The following stumpage value tables are used to calculate the taxable value of stumpage harvested from ~~((July 1 through December 31, 2025))~~ January 1 through June 30, 2026:

Washington State Department of Revenue

WESTERN WASHINGTON STUMPAGE VALUE TABLE

~~((July 1 through December 31, 2025))~~

January 1 through June 30, 2026

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾
Starting January 1, 2019, there are no Haul Zone adjustments.

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Douglas-fir ⁽²⁾	DF	1	((514)) <u>522</u>
		2	((565)) <u>584</u>
		3	((606)) <u>624</u>
		4	((624)) <u>633</u>
		5	((547)) <u>635</u>
Western Hemlock and Other Conifer ⁽³⁾	WH	9	((500)) <u>508</u>
		1	((269)) <u>262</u>
		2	((308)) <u>334</u>
		3	((297)) <u>329</u>
Western Redcedar ⁽⁴⁾	RC	4	((323)) <u>307</u>
		5	((343)) <u>352</u>
		9	((255)) <u>248</u>
Ponderosa Pine ⁽⁵⁾	PP	1-5	((1,047)) <u>1,050</u>
		9	((1,033)) <u>1,036</u>
Red Alder	RA	1-5	((158)) <u>147</u>
		9	((144)) <u>133</u>
		1-5	((356)) <u>317</u>
		9	((342)) <u>303</u>

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Black Cottonwood	BC	1-5	1
		9	1
Other Hardwood	OH	1-5	133
		9	119
Douglas-fir Poles & Piles	DFL	1-5	((944))
			<u>910</u>
		9	((930))
			<u>896</u>
Western Redcedar Poles	RCL	1-5	((1,938))
			<u>1,833</u>
		9	((1,924))
			<u>1,819</u>
Chipwood ⁽⁶⁾	CHW	1-5	1
		9	1
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	1-9	((327))
			<u>352</u>
Posts ⁽⁸⁾	LPP	1-9	0.35
DF Christmas Trees ⁽⁹⁾	DFX	1-9	0.25
Other Christmas Trees ⁽⁹⁾	TFX	1-9	0.50

- (1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.
- (2) Includes Western Larch.
- (3) Includes all Hemlock, Spruce and true Fir species, or any other conifer not listed on this page.
- (4) Includes Alaska-Cedar.
- (5) Includes all Pines in SVA 1-5 & 9.
- (6) Stumpage value per ton.
- (7) Stumpage value per cord.
- (8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.
- (9) Stumpage value per lineal foot.

Washington State Department of Revenue
EASTERN WASHINGTON STUMPAGE VALUE TABLE
 ((July 1 through December 31, 2025))
 January 1 through June 30, 2026

Stumpage Values per Thousand Board Feet Net Scribner Log Scale⁽¹⁾
 Starting January 1, 2019, there are no Haul Zone adjustments.

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Douglas-fir ⁽²⁾	DF	6	(\$272)
			<u>\$273</u>
		7	((286))
			<u>287</u>
Western Hemlock and Other Conifer ⁽³⁾	WH	6	((206))
			<u>180</u>
		7	((220))
			<u>194</u>

Species Name	Species Code	SVA (Stumpage Value Area)	Stumpage Values
Western Redcedar ⁽⁴⁾	RC	6	((1,011)) <u>1,037</u>
		7	((1,025)) <u>1,051</u>
Ponderosa Pine ⁽⁵⁾	PP	6	((144)) <u>133</u>
		7	((158)) <u>147</u>
Other Hardwood	OH	6	1
		7	9
Western Redcedar Poles	RCL	6	((1,483)) <u>1,443</u>
		7	((1,497)) <u>1,457</u>
Chipwood ⁽⁶⁾	CHW	6	1
		7	1
Small Logs ⁽⁶⁾	SML	6	((12)) <u>11</u>
		7	((14)) <u>13</u>
RC Shake & Shingle Blocks ⁽⁷⁾	RCS	6-7	((327)) <u>352</u>
Posts ⁽⁸⁾	LPP	6-7	0.35
DF Christmas Trees ⁽⁹⁾	DFX	6-7	0.25
Other Christmas Trees ⁽⁹⁾	TFX	6-7	0.50

(1) Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-680.

(2) Includes Western Larch.

(3) Includes all Hemlock, Spruce and true Fir species, and Lodgepole Pine in SVA 6-7, or any other conifer not listed on this table.

(4) Includes Alaska-Cedar.

(5) Includes Western White Pine in SVA 6-7.

(6) Stumpage value per ton.

(7) Stumpage value per cord.

(8) Includes Lodgepole posts and other posts, Stumpage value per 8 lineal feet or portion thereof.

(9) Stumpage value per lineal foot.

(3) **Harvest value adjustments.** The stumpage values in subsection (2) of this rule for the designated stumpage value areas are adjusted for various logging and harvest conditions, subject to the following:

(a) No harvest adjustment is allowed for special forest products, chipwood, or small logs.

(b) Conifer and hardwood stumpage value rates cannot be adjusted below one dollar per MBF.

(c) Except for the timber yarded by helicopter, a single logging condition adjustment applies to the entire harvest unit. The taxpayer must use the logging condition adjustment class that applies to a majority (more than 50 percent) of the acreage in that harvest unit. If the harvest unit is reported over more than one quarter, all quarterly returns for that harvest unit must report the same logging condition

adjustment. The helicopter adjustment applies only to the timber volume from the harvest unit that is yarded from stump to landing by helicopter.

(d) The volume per acre adjustment is a single adjustment class for all quarterly returns reporting a harvest unit. A harvest unit is established by the harvester prior to harvesting. The volume per acre is determined by taking the volume logged from the unit excluding the volume reported as chipwood or small logs and dividing by the total acres logged. Total acres logged does not include leave tree areas (RMZ, UMZ, forested wetlands, etc.,) over two acres in size.

(e) A domestic market adjustment applies to timber which meet the following criteria:

(i) **Public timber** - Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska-cedar. (Stat. Ref. - 36 C.F.R. 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Redcedar only. (Stat. Ref. - 50 U.S.C. appendix 2406.1)

(ii) **Private timber** - Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the act of March 29, 1944 (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The following harvest adjustment tables apply from (~~July 1 through December 31, 2025~~) January 1 through June 30, 2026:

TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 9
 (~~July 1 through December 31, 2025~~)
January 1 through June 30, 2026

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of 30 thousand board feet or more per acre.	\$0.00
Class 2	Harvest of 10 thousand board feet to but not including 30 thousand board feet per acre.	-\$15.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$35.00
II. Logging conditions		
Class 1	Ground based logging a majority of the unit using tracked or wheeled equipment or draft animals.	\$0.00
Class 2	Logging a majority of the unit: Using an overhead system of winch-driven cables and/or logging on slopes greater than 45% using tracked or wheeled equipment supported by winch-driven cables.	-\$85.00
Class 3	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$200.00

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
	A limited removal of timber described in WAC 458-40-610 (29)	-\$100.00

TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7
 ((July 1 through December 31, 2025))
January 1 through June 30, 2026

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 8 thousand board feet per acre and less.	-\$8.00
II. Logging conditions		
Class 1	The majority of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	The majority of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	-\$50.00
Class 3	The majority of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$85.00
Class 4	Applies to logs yarded from stump to landing by helicopter. This does not apply to special forest products.	-\$200.00
Note:	A Class 2 adjustment may be used for slopes less than 40% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department of revenue.	
III. Remote island adjustment:		
	For timber harvested from a remote island	-\$50.00
IV. Thinning		
	A limited removal of timber described in WAC 458-40-610 (29)	-\$60.00

TABLE 11—Domestic Market Adjustment

Class	Area Adjustment Applies	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
	SVAs 1 through 5 only:	\$0.00
Note:	This adjustment only applies to published MBF sawlog values.	

(4) **Damaged timber.** Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for an adjustment in stumpage values. The application must contain a map with the legal descriptions of the area, an accurate estimate of the volume of damaged timber to be removed, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. The application must be received and approved by the department of revenue before the harvest commences. Upon receipt of an application, the de-

partment of revenue will determine the amount of adjustment to be applied against the stumpage values. Timber that has been damaged due to sudden and unforeseen causes may qualify.

(a) Sudden and unforeseen causes of damage that qualify for consideration of an adjustment include:

(i) Causes listed in RCW 84.33.091; fire, blow down, ice storm, flood.

(ii) Others not listed; volcanic activity, earthquake.

(b) Causes that do not qualify for adjustment include:

(i) Animal damage, root rot, mistletoe, prior logging, insect damage, normal decay from fungi, and pathogen caused diseases; and

(ii) Any damage that can be accounted for in the accepted normal scaling rules through volume or grade reductions.

(c) The department of revenue will not grant adjustments for applications involving timber that has already been harvested but will consider any remaining undisturbed damaged timber scheduled for removal if it is properly identified.

(d) The department of revenue will notify the harvester in writing of approval or denial. Instructions will be included for taking any adjustment amounts approved.

(5) **Forest-derived biomass**, has a \$0/ton stumpage value.