

WSR 21-17-017

AGENDA

DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 5, 2021, 2:38 p.m.]

The department of labor and industries' (L&I) prepares a semi-annual rules development agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is filed with the office of the code reviser for publication in the Washington State Register. This report details current and anticipated rule-making activities for L&I. This agenda is for informational purposes and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

L&I encourages the public to be involved in the rule-making processes by attending public hearings and submitting comments regarding rules. Rule-making information is available on the agency website at <https://www.lni.wa.gov/rulemaking-activity/>. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WADLI/subscriber/new>. Under General, select *Rules Update*.

Please contact Tracy West at 360-902-6954 or Tracy.West@lni.wa.gov if you have any questions.

KEY

CR: "Code reviser" on the rule-making forms, which are produced by the office of the code reviser for use by all state agencies.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making proposal filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

**Semi-Annual Rules Development Agenda
July 1 - December 31, 2021**

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
Division: Division of Occupational Safety and Health (DOSH)						
296-36 296-155 Part Q	Compressed air (tunnels)	This rule making is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in chapters 296-36 and 296-155 WAC, Part Q.	9/18/12 12-19-075	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-62 296-155	Lead	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.	4/19/16 16-09-092	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-67	Process safety management of highly hazardous chemicals (PSM) for petroleum refineries	The purpose of this rule making is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over 20 years and do not reflect current industry practices.	8/22/17 17-17-134	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-52	Safety standards for possession, handling, and use of explosives	The purpose of this rule making is to update the safety standards concerning explosives in order to reflect technological advancements in explosives over the past ten to 30 years, and better align with federal regulations. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among others sections.	1/23/18 18-03-162	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-800	Adult entertainer safety (EHB 1756)	The purpose of this rule making is to implement the requirements of EHB 1756 (chapter 304, Laws of 2019) codified under RCW 49.17.470, for adult entertainer safety in the accident prevention plan and other measures.	11/5/19 19-22-062	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-67	High hazard facilities— Workforce (ESHB 1817)	The purpose of this rule making is to implement 2019's ESHB 1817, chapter 49.80 RCW, High hazard facility workforce. Chapter 49.80 RCW requires owners of petroleum refining or petrochemical manufacturing facilities use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. This rule will address the advanced safety-training curriculum and training provider approval requirements.	2/18/20 20-05-073	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-307	Temporary worker housing (TWH)	The purpose of this rule making, in conjunction with the department of health (DOH), is to consider permanent amendments to further protect occupants in TWH and cherry harvest camps. In February 2020, Governor Inslee proclaimed a State of Emergency in Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak, followed by proclamations and amendments. DOH and L&I also responded to the COVID-19 pandemic by adopting emergency rules (CR-103E) to protect occupants from COVID-19 hazards in licensed TWH.	9/10/20 20-19-050	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-62	Wildfire smoke	The purpose of this rule making is to develop new workplace safety and health rules regarding wildfire smoke. Some of the issues that may be addressed include: Identification of harmful exposures; communication; training and instruction; and control of harmful exposures. L&I filed emergency rules (CR-103E) on July 16, 2021 (WSR 21-15-067) to ensure these requirements were in place while permanent rule making is ongoing.	10/20/20 20-21-093	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-900	Posting citation and notices	The purpose of this rule making is to update WAC 296-900-13015 to change the length of time that a citation and notice, and any correspondence related to an employee complaint, needs to be posted on an employee safety bulletin board. L&I also proposed to add language giving the employer the option to use electronic means to supplement the safety bulletin board for those employees that don't work where the physical board is located, such as those who telework.	12/22/20 21-01-200	7/6/21 21-14-077	Anticipate filing 9/21/21	Chris Miller DOSH Standards Program 360-902-5516
To be determined	Occupational exposures to infectious or contagious diseases (ESSB 5092)	The purpose of this rule making is to implement the requirements of 2021's ESSB 5092, section 220(8), to establish occupational health protections related to infectious diseases to ensure the state has general guidelines to follow in the case of an infectious disease outbreak. This would include when there is an outbreak subject to a public health emergency under a national or state-declared state of emergency.	5/13/21 21-11-051	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-155	Trenching rescue and excavation plan	The purpose of this rule making is to require employers to develop and implement a written excavation plan detailing appropriate risk analysis and rescue planning prior to beginning any work that requires a protective system (generally defined as any excavation four feet or deeper that is not in stable, solid rock).	6/22/21 21-13-140	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-155	Safety standards for cranes	<p>The purpose of this rule making is to amend the safety standards for cranes and derricks in construction, due in part to the Occupational Safety and Health Administration (OSHA) recently updating their standards. This rule making is also intended to provide clarity on L&I's interpretation of requirements related to crane decertification and reinstatement. In addition, state-initiated amendments will also be considered to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Due to OSHA updating their standard, prior rule-making preproposals regarding these subjects initiated in 2018 and 2019 were withdrawn under WSR 21-14-078 and 21-14-079.</p>	7/6/21 21-14-080	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-62 296-307	Outdoor heat exposure	The purpose of this rule making is to provide standards when heat rises above a specific temperature that may require shade provisions, rest breaks and cool-down procedures, drinking water suitability, and other necessary provisions to protect workers from high heat. L&I filed emergency rules (CR-103E) on July 9, 2021 (WSR 21-15-017), to ensure these requirements were in place while L&I plans a comprehensive reexamination of the current rules prior to initiating permanent rule making.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-900 296-360	Daily penalties for violating an order of immediate restraint (OIR) (ESHB 1097)	Rule making is anticipated to implement the provisions of 2021's ESHB 1097 related to daily penalties for violating an OIR, including establish inspection procedures and enforcement policies related to calculating penalties when OIRs and/or red tags are placed; and provide guidance on how to correctly calculate penalties arising from the placement of an OIR, or a red tag.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-360	Safety and health discrimination protections (ESHB 1097)	Rule making is anticipated to implement 2021's ESHB 1097 related to safety and health discrimination.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
To be determined	Temporary workers in construction and manufacturing (SHB 1206)	Rule making is anticipated to implement the new requirements under 2021's SHB 1206 related to temporary workers in the construction and manufacturing.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-307 Part I	Worker protection standard (pesticides) administrative changes	The purpose of this rule making is for housekeeping corrections from previous rule making to align language with the department of agriculture and add a table that is missing.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-850	Beryllium	The purpose of this rule making is to update the standard regarding occupational exposure to beryllium, beryllium compounds, and dermal exposure issues, due to the OSHA updating their standard.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-840 296-307	Respirable crystalline silica (agriculture)	The purpose of this rule making is to clarify the application of the respirable crystalline silica rules in agriculture.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-307 Part Y	Precommercial thinning	The purpose of this rule making is to consider establishing minimum safety standards for pre-commercial thinning in agriculture.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
Division: Field Services and Public Safety						
296-150F	Factory assembled structures (FAS): factory-built housing and commercial structures	The purpose of this rule making is to update the rules regarding factory-built housing and commercial structures, to include panelized construction. This rule making will include intent to make the rules related to E2SHB 1257 Energy efficiency, HB 1486 Delegation of authority, and SB 5383 Tiny homes.	7/2/19 19-14-106	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244

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296-150I 296-150M	FAS: Manufactured homes and manufactured home installer training and certification program	The purpose of this rule making is to update existing rules to comply with United States Department of Housing and Urban Development (HUD) regulations. In 2017, HUD reviewed FAS rules and standards for manufactured housing installations to ensure the program's compliance with HUD regulations. This rule making addresses HUD's findings that require revisions to L&I's rules. Additionally, the program is reviewing all rules in chapter 296-150I WAC for updates, clarity, and housekeeping changes.	8/20/19 19-17-071	Anticipate filing 8/31/21	Anticipate filing 11/30/21	Alicia Curry Field Services and Public Safety 360-902-6244
296-96	Elevator rules	The purpose of this rule making is to consider changes to the elevator rules and fees. The elevator program reviewed the rules to address requests from stakeholders held over from a 2018 rule-making process and to further update and clarify existing rules. The program also reviewed their budget and projected revenue. L&I filed a continuance to correct a public hearing link.	10/22/19 19-21-154	5/18/21 21-11-082 6/1/21 (continuance) 21-12-089	Anticipate filing 8/31/21	Alicia Curry Field Services and Public Safety 360-902-6244

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296-46B	Electrical board— Appeal rights and hearings	The purpose of this rule making is to consider amendments to the electrical rules governing appeals and the appeal process under WAC 296-46B-995. The state's electrical board petitioned L&I to amend the rules for the purpose of clarifying, simplifying, and making the procedures for appeals to the board easier to understand and navigate.	12/1/20 20-24-104	Anticipate filing 11/2/21	Anticipate filing 2/15/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-104	Boiler fee corrections	The purpose of this expedited rule making is to propose corrections to the boiler fees. On June 1, 2021, the board of boiler rules and L&I adopted a fee increase of 5.79 percent to support operating expenses for the boiler program (WSR 21-12-088). This is the office of financial management's (OFM) maximum allowable fiscal growth factor rate for fiscal year 2022. Due to a typographical error, four of the inspection fees pertaining to power boilers and pressure vessels are incorrect. This rule making corrects the error by reducing the four fees to the fiscal growth factor amount.	Not applicable	8/3/21 (CR-105) 21-16-098	Anticipate filing 10/5/21	Alicia Curry Field Services and Public Safety 360-902-6244

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296-400A	Plumber certification rules— Phase 3	The purpose of this rule making is to consider amendments under chapter 206-400A WAC, Plumber certification rules, in order to implement the legislative changes made within 2020's Plumbing Act (chapter 153, Laws of 2020, SB 6170), updates to continuing education, training programs, and other necessary updates to all plumbing rules.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244 (eff. 9/1/21)
296-200A	Contractor registration	The purpose of this rule making is to consider changes to the contractor registration rules. L&I's contractor registration program is reviewing specific sections of the contractor rules to update and clarify existing rules, make reference corrections, perform general housekeeping, and pursuing [pursuing] a fiscal growth factor increase for fiscal year 2022 (5.79 percent).	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244 (eff. 9/1/21)

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296-104	Boiler fee increase (fiscal year 2023)	The purpose of this rule making is to consider a 5.58 percent fee increase for boiler inspections and other boiler program public safety activities. The amount of the increase is the state OFM's maximum allowable fiscal growth factor rate for fiscal year 2023. The current fee levels are not adequate enough to cover current program expenses. A fee increase is needed to ensure the programs' revenues match expenditures, otherwise, service levels may need to be reduced.	To be determined	To be determined	To be determined	Kimmie Stringfellow Field Services and Public Safety 360-902-5039
296-96	Elevator rules	The purpose of this rule making is to consider a 5.79 percent fees increase for inspections of conveyances and other elevator program public safety activities. The amount of the increase is the state OFM's maximum allowable fiscal growth factor rate for fiscal year 2022. The current fee levels are not adequate enough to cover current program expenses. A fee increase is needed to ensure the programs' revenues match expenditures, otherwise, service levels may need to be reduced.	To be determined	To be determined	To be determined	Kimmie Stringfellow Field Services and Public Safety 360-902-5039
296-96	Elevator rules (code adoption)	The purpose of this rule making is to consider adopting new safety codes for conveyances, including updates, clarification, housekeeping, and other changes.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
Division: Fraud Prevention and Labor Standards						

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296-140 (New chapter)	Clean energy labor standards certification (E2SSB 5116)	The Clean Energy Transformation Act (E2SSB 5116) of 2019 requires L&I adopt permanent rules related to labor standard certification for certain tax exemptions for alternative energy projects. The purpose of this rule making is to define and set minimum requirements for all labor standards associated with the certification for tax remittance; set requirements for all good faith efforts; and set other requirements for documentation and the certification process. L&I filed emergency rules (CR-103E) on November 27, 2019, which became effective on January 1, 2020. Emergency rules were filed again on March 27, July 23, and November 20, 2020, and March 19 and July 16, 2021 (WSR 21-15-078), as rule making is still ongoing.	11/27/19 19-24-062	8/3/21 21-16-103	Anticipate filing 10/5/21	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272

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296-05	Apprenticeship rules (special meetings)	The purpose of this rule making is to amend WAC 296-05-008 Meetings and adjudicative proceedings, to allow the Washington state apprenticeship and training council to hold special meetings to meet more often than quarterly to consider records and enter final orders following adjudication processes. L&I adopted emergency rules (CR-103E) on January 19, 2021 (WSR 21-03-076) and May 19, 2021 (WSR 21-11-116), and anticipates filing a third emergency rule on September 16, 2021, while permanent rule making continues.	1/19/21 21-03-077	Anticipate filing 9/21/21	Anticipate filing 11/2/21	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272
296-127	Prevailing wage intent and affidavit filing fees	The purpose of this rule making is to set the intent and affidavit filing fees in order to implement the legislative changes made within 2019's Prevailing wage program fees— Determination— Limit Act (chapter 193, Laws of 2019, SB 5566). L&I filed an emergency rule (CR-103E) on July 1, 2021 (WSR 21-14-045) to ensure these requirements were in place before the 2019-2021 biennium ended.	6/22/21 21-13-159	Anticipate filing 8/17/21	Anticipate filing 9/28/21	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272
Division: Insurance Services						

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296-17 296-17A	Employment covered by RCW 51.32.187 (department of energy (DOE) Hanford site contractors)	The purpose of this rule making is to allow contractors of the United States DOE working at the Hanford site to have their contractors and subcontractors covered under the state fund. L&I filed continuances on October 27 and November 6, 2020, ultimately extending the comment period to February 1, 2021, under WSR 20-22-038 and 20-23-017. The CR-102 Proposal was withdrawn (WSR 21-04-019) due to the need for more stakeholder involvement and coordination. L&I will continue working with stakeholders to refine proposed rules for potential future rule making.	3/3/20 20-06-060	9/22/20 20-19-132 (withdrawn)	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Classification and reporting amendments 2022	The purpose of this rule making is to implement clear rule writing to ensure L&I staff and customers can easily understand and apply the workers' compensation insurance classifications and reporting rules. Classification development studied some subclassifications for potential reduction in number, and reviewed reporting rules for improvement.	3/23/21 21-07-113	Anticipate filing 8/17/21	Anticipate filing 11/2/21	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17B	Industrial insurance premium rates 2022	The purpose of this rule making is to establish the premium rates and experience rating parameters for calendar year 2022.	6/22/21 21-13-138	Anticipate filing 9/21/21	Anticipate filing 11/30/21	Jo Anne Attwood Employer Services 360-902-4777

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296-23	Independent medical examinations (IMEs) (ESSB 6440)	The purpose of this rule making is to create new rules required by ESSB 6440 to address how to accommodate an injured worker if no approved independent medical examiner in the specialty needed is available in a reasonably convenient location, as well as how telemedicine IMEs may be used.	10/6/20 20-20-111	To be determined	To be determined	Kristen Baldwin-Boe Health Services Analysis 360-902-6815
296-23A	Outpatient hospitals (medical aid rules)	The purpose of this rulemaking is to amend two rules that L&I determined are in conflict with each other because the underlying federal regulations (per Centers for Medicare and Medicaid Services) changed January 1, 2017.	3/2/21 21-06-089	6/22/21 21-13-137	Anticipate filing 8/31/21	Dee Hahn Health Services Analysis 360-902-2868
296-14	Presumptive PTSD coverage (SSB 6214)	The purpose of this rule making is to update existing rules and create new rules needed to implement SSB 6214, allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement, firefighters and emergency medical technicians.	8/21/18 18-17-151	To be determined	To be determined	Suzy Campbell Legal Services 360-902-5003

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296-14	Occupational disease presumption	The purpose of this rule making is to amend existing rules that conflict with RCW 51.32.185, and clarify presumptive coverage for certain firefighters, law enforcement officers, and emergency medical technicians covered under workers' compensation. Legislation passed during the 2019 and 2018 sessions (chapter 133, Laws of 2019, HB 1913; and chapter 264, Laws of 2018, SSB 6214) resulted in updates to RCW 51.32.185.	11/19/19 19-23-081	To be determined	To be determined	Jordan Ely Legal Services 360-902-4616
296-21	Master's level therapists pilot (MLTs)	The purpose of this pilot rule making is to allow MLTs to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot began on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.	12/3/19 19-24-087	To be determined	To be determined	Suzy Campbell Legal Services 360-902-5003

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Title 296 WAC (new chapter possible)	IME—Case progress (ESSB 6440)	ESSB 6440, 2020 legislative session, amended requirements by identifying the reasons IMEs could be used. One requirement, "case progress," in RCW 51.36.070 is not clearly defined. Rule making allows L&I to define the term and/or criteria. Rule making may also provide consequences for IMEs that were requested or occurred outside what is allowed by statute or rule.	5/18/21 21-11-086	Anticipate filing 9/21/21	Anticipate filing 11/16/21	Suzy Campbell Legal Services 360-902-5003
Title 296 WAC (new chapter possible)	IME—Appeals (ESSB 6440)	ESSB 6440, 2020 legislative session, limited the reasons IMEs could be used. One reason is to resolve an appeal, but there was no indication of when or under what circumstances such an IME would be appropriate. Rule making allows L&I to define criteria and/or determine limitations for these IMEs.	8/3/21 21-16-093	Anticipate filing 9/21/21	Anticipate filing 11/16/21	Suzy Campbell Legal Services 360-902-5003
296-14	Pension discount rate 2022	The purpose of this rule making is to reduce the current pension discount rate for 2022. The pension discount rate is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.	Anticipate filing 8/17/21	Anticipate filing 10/19/21	Anticipate filing 1/4/22	Suzy Campbell Legal Services 360-902-5003
296-17B	Retrospective rating for workers' compensation insurance	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.	11/5/13 13-22-071	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967

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296-17B	Retrospective rating for workers' compensation insurance— Common ownership (pilot)	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.	8/5/15 15-16-132	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17A 296-17B	COVID-19 related relief option	Data shows that the COVID-19 pandemic and resulting government required shutdowns disproportionately impacted employers who reported hours in 42 risk classes, thereby reducing the options to help workers return to work. This may lead to increased claim losses for businesses in the affected classes compared to other employers. For affected retro participants who experience increased loss ratios, they may be subject to a negative bias resulting in their refunds being reduced or additional premium assessed. Conversely, the less affected retro participants may experience a positive bias whereby they may receive enhanced refunds that they would not have otherwise received but for the pandemic's adverse impact on their peers.	6/1/21 21-12-082	To be determined	To be determined	Leslie Qunell Retrospective Rating 360-902-5967
Division: Government Affairs and Policy Division						

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
Title 296 WAC (new chapter)	Small employer emergency grants (ESHB 1097)	The purpose of this rule making is to establish guidance for a safety grant program for small employers based on the type, scope, and timeframe of a declared state [of] emergency, and criteria for how grants will be prioritized. ESHB 1097 (chapter 253, Laws 2021) provides for increased worker protections from hazards in the workplace. The bill also created a safety grant program for small employers during declared states of emergency. This law was motivated by recognition of the COVID-19 pandemic's impact on small businesses, especially those that had difficulty affording the cost of meeting required safety measures and providing personal protective equipment to workers.	8/3/21 21-16-099	Anticipate filing 10/19/21	Anticipate filing 12/21/21	Tracy West Government Affairs and Policy Division 360-902-6954

WSR 21-18-002

**NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY**

[Filed August 18, 2021, 2:05 p.m.]

Board of Trustees Meeting Dates for 2021-2022

Regular meetings of the Central Washington University board of trustees will be held at 9:00 a.m. in Barge Hall, Room 412, on the Central Washington University Ellensburg campus or via Zoom, except where noted, on the following dates: October 20-22, 2021, February 17 and 18, 2022, May 19 and 20, 2022, and July 27-29, 2022 (annual planning retreat).

WSR 21-18-007

NOTICE OF APPEAL

OFFICE OF THE GOVERNOR

[Filed August 18, 2021, 5:17 p.m.]

NOTICE OF APPEAL

RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On July 22, 2021, the Governor's Office received an appeal from Jeannie Fissinger, relating to the Department of Social and Health Services denial of a petition to repeal or amend WAC 388-97-1160 (*Relating to dietary personnel*). The Governor's Office denied the appeal on August 18, 2021.

DATE: August 18, 2021

Taylor Wonhoff
Deputy General Counsel
to the Governor

WSR 21-18-009
NOTICE OF PUBLIC MEETINGS
TACOMA COMMUNITY COLLEGE
 [Filed August 19, 2021, 9:46 a.m.]

Board of Trustees Meeting Schedule 2021 - 2022

All meetings scheduled the second Wednesday of the month and held in Building #12, Room 120. Meetings will also have a virtual option until further notice.

Month	Day	Time	Comments
September 8, 2021	Wednesday	3:00 [p.m.]	Study session
September 8, 2021	Wednesday	4:00 [p.m.]	Regular board meeting
*October 6, 2021	Wednesday	3:00 [p.m.]	Study session
*October 6, 2021	Wednesday	4:00 [p.m.]	Regular board meeting
November 10, 2021	Wednesday	3:00 [p.m.]	Study session
November 10, 2021	Wednesday	4:00 [p.m.]	Regular board meeting
December 8, 2021	Wednesday	3:00 [p.m.]	Study session
December 8, 2021	Wednesday	4:00 [p.m.]	Regular board meeting
January 12, 2022	Wednesday	3:00 [p.m.]	Study session
January 12, 2022	Wednesday	4:00 [p.m.]	Regular board meeting
January 14, 2022	Friday	8:00 [a.m.]- 4:00 [p.m.]	Winter board retreat
February 16, 2022	Wednesday	3:00 [p.m.]	Study session
February 16, 2022	Wednesday	4:00 [p.m.]	Regular board meeting
March 9, 2022	Wednesday	2:00- 4:00 [p.m.]	Tenure board meeting
March 9, 2022	Wednesday	4:00 [p.m.]	Regular board meeting
April 13, 2022	Wednesday	3:00 [p.m.]	Study session
April 13, 2022	Wednesday	4:00 [p.m.]	Regular board meeting
May 11, 2022	Wednesday	3:00 [p.m.]	Ellen Pinto board meeting
May 11, 2022	Wednesday	4:00 [p.m.]	Regular board meeting
June 8, 2022	Wednesday	3:00 [p.m.]	Study session
June 8, 2022	Wednesday	4:00 [p.m.]	Regular board meeting
June 11, 2022	Saturday	8:00 [a.m.]- 4:00 [p.m.]	Commencement
June 17, 2022	Friday	8:00 [a.m.]- 4:00 [p.m.]	June board retreat

**WSR 21-18-011
RULES COORDINATOR
BOARD OF INDUSTRIAL
INSURANCE APPEALS**

[Filed August 19, 2021, 1:44 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the board of industrial insurance appeals is Brian Watkins, 2430 Chandler Court S.W., P.O. Box 42401, Olympia, WA 98504, phone 360-753-6823 ext. 1221, fax 360-586-5611, email brian.watkins@biia.wa.gov.

Brian O. Watkins
Assistant Chief
Industrial Appeals Judge

WSR 21-18-012
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
(Global Health)
[Filed August 19, 2021, 2:33 p.m.]

Notice of Public Meeting 2021 - DATE CHANGE

This is to notify the office of the code reviser of the second of two public meetings held by the board of directors of WSU Global Health, a nonprofit corporation affiliated with Washington State University. WSU Global Health will hold its second semi-annual meeting virtually with a date change to Thursday, September 16, 2021, at 10:00 a.m. PDT.

The meeting will be held via Zoom. Join Zoom meeting from PC, Mac, Linux, iOS, or Android <https://wsu.zoom.us/j/93018290767?pwd=cTFJTkVNcmRJejZFcS9wMDhLTWJpUT09>, Meeting ID 930 1829 0767, Passcode 783209.

Questions about this meeting may be directed to Laura Lockard, laura.lockard@wsu.edu.

WSR 21-18-015

AGENDA

DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 20, 2021, 12:42 p.m.]

Following is the semi-annual rule-making agenda for the Washington department of fish and wildlife (WDFW) for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have any questions about this rule-making agenda, please feel free to contact Annie Szvetcz, WDFW Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email annie.szvetcz@dfw.wa.gov, phone 360-902-2196.

SEMI-ANNUAL RULES DEVELOPMENT AGENDA

July - December 2021

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Short Description
			CR-101	CR-102 CR-105	CR-103	
220-460	Commercial whale watching licenses	Julie Watson Julie.watson@dfw.wa.gov	Not applicable	CR-105 WSR 21-11-095 Filed May 19, 2021	August- September 2021	Amend rules directed in state statute by updating and aligning the definitions and language in WAC 220-460 with the 2021 amendments to RCW 77.65.615, and correct typographical errors and clarify language of the rule without changing its effect.
220-500	Shed animal parts	Scott Bird Scott.bird@dfw.wa.gov	August 1, 2021	October 20, 2021	December 11, 2021	Amend rules to prohibit the collection of shed animal parts on WDFW lands or public lands.
220-353	Testing commercial fishing gear	Scott Bird Scott.bird@dfw.wa.gov	August 1, 2021	October 20, 2021	December 11, 2021	Amend rules to clarify the requirements for notifying department law enforcement officers about testing commercial fishing gear.
220-359	Clarifying language	Scott Bird Scott.bird@dfw.wa.gov	August 1, 2021	October 20, 2021	December 11, 2021	Amend rules to ensure regulatory consistency with <i>US v. Oregon</i> Policy Committee.
WAC 220-200-100 and 220-610-010	Ferruginous hawk	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	October 14, 2020	June 22, 2021	August 2021	Up-listing of species classification from threatened to endangered.
220-415	Spring black bear	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	July 7, 2021	October 20, 2021	November 19, 2021	Update rules with the appropriate season dates.
WAC 220-200-100 and 220-610-010	White pelican	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	October 14, 2020	September 1, 2021	November 19, 2021	Proposed down-listing from classified as endangered species to wildlife classified as protected.
WAC 220-200-100 and 220-610-010	Island marble murrelet	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	October 14, 2020	September 1, 2021	November 19, 2021	Change of species classification.
WAC 220-200-100 and 220-610-010	Cascade red fox	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	October 14, 2020	September 1, 2021	November 19, 2021	Change of species classification.

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Short Description
			CR-101	CR-102 CR-105	CR-103	
WAC 220-200-100 and 220-610-010	Western snowy plover	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	October 14, 2020	September 1, 2021	November 19, 2021	Change of species classification.
220-400	2022 Hunting season setting	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	November 2021	January 2022	February 2022	Annual update for the 2022 hunting permits and regulations.
220-500	Domestic sheep and goat on department lands	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	September 1, 2021	On or after October 15, 2021	November 23, 2021	Permanent rule to limit use of pack goats on department lands in order to protect bighorn sheep from disease transmission.
WAC 220-413-030 and 220-413-180	Importation of animal parts	Heather Bonagofski Heather.bonagofski@dfw.wa.gov	May 23, 2021	August 3, 2021	October 2021	Updating list of prohibited states for importation of animal parts due to chronic wasting disease. Minor text change for game management area designations.
220-400	Wolf—Livestock conflict deterrence	Julia Smith Julia.Smith@dfw.wa.gov	October 13, 2020	January 2022	May 2022	Regulations related to the management of wolf-livestock conflict.
WAC 220-352-035, 220-352-305, 220-352-060, 220-352-140, 220-340-430, 220-340-480, and 220-353-020	Commercial crab fishing	Heather Hall Heather.hall@dfw.wa.gov	April 5, 2021	June 23, 2021	October 2021	Amend coastal Dungeness crab fishing regulations and mandatory electronic fish ticket reporting for several Puget Sound and coastal shellfish fisheries.
Title 220 WAC	Recreational fishing	Kelly Henderson Kelly.henderson@dfw.wa.gov	July 20, 2021	September 22, 2021	January 2022	Address critical conservation objectives and to provide harvest opportunities consistent with conservation objectives.
Title 220 WAC	Nontreaty fisheries in Columbia River	Charlene Hurst Charlene.hurst@dfw.wa.gov	May 19, 2021	December 2021	April 2022	Expand the types of gears available for commercial harvesting of salmon in the Columbia River and reduce the number of Washington nontreaty commercial licenses participating in the Columbia River gillnet fishery.
Title 220 WAC	Fish passage	Gabrielle Stilwater Gabrielle.stilwater@dfw.wa.gov	June 17, 2020	March 9, 2022	May 18, 2022	Implement the fishway, flow and screening statute (chapter 77.57 RCW), and the 2019 ESHB 1109 (chapter 415, Laws of 2019).

Annie Szetecz
Rules Coordinator

WSR 21-18-021

PUBLIC RECORDS OFFICER

WASHINGTON STATE PATROL

[Filed August 23, 2021, 8:50 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state patrol is Ms. Rhonda Tucker, P.O. Box 42631, Olympia, WA 98504, 360-596-4137, Rhonda.tucker@wsp.wa.gov.

Ms. Dory Nicpon, Commander
Risk Management Division

WSR 21-18-024

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
(Global Health)
[Filed August 23, 2021, 10:57 a.m.]

Notice of Public Meeting 2021 - DATE CHANGE

This is to notify the office of the code reviser of the second of two public meetings held by the board of directors of WSU Global Health, a nonprofit corporation affiliated with Washington State University. WSU Global Health will hold its second semi-annual meeting virtually with a date change to Wednesday, September 22, 2021, at 10:00 a.m. PDT.

The meeting will be held via Zoom. Join Zoom meeting from PC, Mac, Linux, iOS, or Android <https://wsu.zoom.us/j/93018290767?pwd=cTFJTkvNcmRJejZFcS9wMDhLTWJpUT09>, Meeting ID 930 1829 0767, Passcode 783209.

Questions about this meeting may be directed to Laura Lockard, laura.lockard@wsu.edu.

WSR 21-18-029

NOTICE OF PUBLIC MEETINGS

EDMONDS COLLEGE

[Filed August 23, 2021, 2:38 p.m.]

The Edmonds College board of trustees has changed the date of their regular November meeting as follows:

From: Thursday, November 11, 2021, at 3:30 p.m.

To: Wednesday, November 10, 2021, at 3:30 p.m.

If you need further information contact Kristen NyQuist, Edmonds College, 20000 68th Avenue West, Lynnwood, 98036, 425-275-8060, kristen.nyquist@edcc.edu.

WSR 21-18-035

ATTORNEY GENERAL'S OFFICE

[Filed August 24, 2021, 8:18 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

You may provide your comments to the attorney general's office by email to OpinionComments@atg.wa.gov or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. We will consider any comments we receive before we complete our opinion. Although there is no deadline for submitting comments, comments are the most helpful if received within 30 days of this notice. Comments focused solely on what the law should be are less helpful than comments that interpret current law. You may also request a copy of the opinion request in which you are interested and information about the attorney general's opinion process.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%90opinions> for more information on how to join our AGO opinions list.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 21-07-02**Request by Gregory Banks, Island County Prosecuting Attorney****QUESTION:**

Where a prosecutor knows of information about a law enforcement officer that constitutes potential impeachment evidence, under what circumstances may the officer's information or name be removed from any list of potential impeachment disclosures?

WSR 21-18-040

INTERPRETIVE STATEMENT

DEPARTMENT OF REVENUE

[Filed August 24, 2021, 2:06 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3227.2021 *Taxability of Salmon Recovery Grants Received by Non-profit Organizations*

This ETA addresses the business and occupation and retail sales tax consequences for nonprofit organizations that receive salmon recovery grants.

A copy of this document is available via the internet at rule and tax advisory adoptions and repeals.

Atif Aziz
Tax Policy Manager
Rules Coordinator

WSR 21-18-043

ATTORNEY GENERAL'S OFFICE

[Filed August 25, 2021, 7:46 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

You may provide your comments to the attorney general's office by email to OpinionComments@atg.wa.gov or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. We will consider any comments we receive before we complete our opinion. Although there is no deadline for submitting comments, comments are the most helpful if received within 30 days of this notice. Comments focused solely on what the law should be are less helpful than comments that interpret current law. You may also request a copy of the opinion request in which you are interested and information about the attorney general's opinion process.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%9090opinions> for more information on how to join our AGO opinions list.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 21-08-02**Request by:****Roger Goodman, Representative, District 45****Jesse Johnson, Representative, District 30****QUESTIONS:**

1. What constitutes "physical force" in the context of the standard in E2SHB 1310?
2. Does the standard in E2SHB 1310 preclude an officer from using physical force in the context of an investigatory detention (based on reasonable suspicion and not probable cause) when it becomes apparent that an individual will not otherwise comply with the request to stop?
3. In light of the standard in E2SHB 1310, are the provisions of Chapter 71.05 RCW, Chapter 13.34 RCW, Chapter 43.185C RCW, and other statutes and court orders (civil or criminal) authorizing or directing a law enforcement officer to take a person into custody to be interpreted as authorizing the officer to use physical force when necessary for that purpose?
4. In light of the standard in E2SHB 1310, is a law enforcement officer authorized to use physical force pursuant to the emergency aid doctrine, where there is no "imminent threat of bodily injury to the officer, another person, or the person against whom force is being used"? Does using physical force in this manner breach a legal duty to

leave the scene, and would an officer's efforts constitute an exception to the Public Duty Doctrine under the rescue doctrine?

5. Read together, does section 3(3) of E2SHB 1310 effectively authorize a law enforcement officer to use a chokehold or neck restraint "to protect against his or her life or the life of another person from an imminent threat" despite the specific prohibition of such tactics in section 2 of Engrossed Substitute House Bill 1054 (2021)?

6. How should the terms "possible," "available," and "appropriate" in section 3 of E2SHB 1310 be interpreted? Should those terms be interpreted according to their common definitions or according to the "reasonable officer" standard established under *Graham v. Connor*, 490 U.S. 386 (1989), which provides that "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight"?

WSR 21-18-044
RULES OF COURT
STATE SUPREME COURT
 [August 25, 2021]

IN THE MATTER OF THE)	SECOND
SUGGESTED NEW GENERAL RULE)	AMENDED
[41]—JURY SELECTION BY VIDEO)	ORDER
CONFERENCE)	NO. 25700-A-1354

The King County Superior Court Judges, having recommended the suggested new General Rule [41]—Jury Selection by Video Conference, and the Court having approved the suggested new rule for publication; Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rule as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with a comment period ending December 29, 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than December 29, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 25th day of August, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet for new General Rule:
Jury Selection by Video Conference

Name of Proponent—King County Superior Court. Our committee for drafting this rule: Judges Sean O'Donnell, Josephine Wiggs-Martin, Andrea Robertson, Brian McDonald, Melinda Young, Tanya Thorp, Sam Chung, Sandy Widlan and Jim Rogers

Spokesperson—Judge O'Donnell or Judge Rogers

Purpose—Remote voir dire has become a standard business practice for King County Superior Court during the pandemic. Jurors prefer it. Their time is better used. In the old, in-person system, jurors have experienced long "wait" times, missed work, and expenses for childcare and parking in order to travel to court in person, assemble, and await instructions and directions. This new virtual method promises to improve the process and provide a more accessible, affordable, and efficient means for citizens from all walks of life to perform, their civic duty and add their voices to this crucial process.

We believe that lawyers get better information as questionnaires are always given out. Our anecdotal experience is that jurors are more diverse in all aspects, racial, ethnic, economic. There is less "speechifying" by lawyers and more information gathering.

The proposed rule does not conflict with any known statute, case law or court rules. The proposed rule is intended to be harmonious with existing CrR 3.4(d), which currently allows video proceedings to be ordered in preliminary appearances, bail hearings and arraignments, and allows plea hearings by agreement. As the Court knows, a current emergency order allows for remote voir dire.

Hearing—We do not believe that a public hearing is necessary.

Expedited Consideration—As long as the emergency order remains in effect, expedited consideration is not necessary.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Proposed New General Rule 41

Jury Selection by Video Conference

(a) Scope of rule. This rule addresses the procedures for conducting jury selection by video conference.

(b) Jury selection by video conference. In all cases, jury selection may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood.

(c) Procedures prior to jury selection. The court may divide the venire into smaller groups and determine the number of video participants per voir dire session. The court shall confirm with prospective jurors that they can participate in jury selection by video conference. The court shall not excuse potential jurors from jury service who cannot participate in jury selection by video conference due to lack of resources or access and shall arrange for alternative methods, including but not limited to in person voir dire, for such potential jurors.

(d) Procedures during jury selection. When conducting jury selection over video, the court shall:

a. Confirm that all potential jurors can see and hear the court and parties;

b. Inform potential jurors that their cameras must remain on and that they must remain in camera view throughout jury selection;

c. Instruct potential jurors that (i) their full care and attention must be on jury selection, (ii) that all other devices should be turned off during jury selection, and (iii) they should be alone in the space in which they are participating in jury selection unless extraordinary circumstances are present which the court finds sufficient to allow the juror's participation;

d. Inform the parties and potential jurors that any visual, video, or audio recording, other than the official record, of the hearing is prohibited absent court permission; and

e. Prohibit jurors from using filters or virtual backgrounds or other programs or applications to alter their appearance in any way or the appearance of the space in which they are physically located while participating in jury selection. A juror may use a virtual background with prior approval of the court. Any approved background must be a plain, blurred, or otherwise non-distracting.

(e) Public access. The court shall ensure that all hearings conducted pursuant to this rule are open to the public and that the public shall be able to simultaneously see and hear all participants.

WSR 21-18-048
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Naturopathy)
 [Filed August 25, 2021, 2:01 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of naturopathy, for the year 2022. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via *GovDelivery* and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of naturopathy reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
February 11, 2022	8:30 a.m.	TBD
May 13, 2022	8:30 a.m.	TBD
August 12, 2022	8:30 a.m.	TBD
November 18, 2022	8:30 a.m.	TBD

If you need further information, please contact Susan Gragg, Program Manager, DOH, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, email naturopathy@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of naturopathy is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 21-18-054

HEALTH CARE AUTHORITY

[Filed August 26, 2021, 8:20 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0003 Rehabilitation Services.

Effective Date: July 1, 2022.

Description: The health care authority (HCA) intends to submit SPA 21-0003 to update the language of Section 13d: Rehabilitation services of the medicaid state plan. The SPA will:

- Reformat the section to be more representative of the current behavioral health system (as opposed to the current structure which separates substance use disorder services and mental health services);
- Reduce redundancies in the language; and
- Update agency and licensing names.

No significant changes will be made to the current services available, who can provide the services, or any limitations associated with the services. However, if approved by the legislature, a new provision will be added that would allow medicaid funds to be used on problem gambling treatment services, which are currently paid for with state funds.

This SPA is the first phase in a longer-term plan. The reformatting and updates will create a better formatting structure for future system and service improvements, including efforts to remove barriers and deliver more integrated care.

SPA 21-0006 is expected to have no effect on the annual aggregate expenditures/payments for rehabilitation services. These changes do not reflect significant changes to policy or payment.

HCA is in the process of drafting the SPA. To request a copy of the draft SPA when it becomes available or return any comments, please contact the person named below. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

CONTACT: Jessica Diaz, Managed Care Programs, 626 8th Avenue S.E., Olympia, WA 98501, TRS (TDD/TTY) 711, email jessica.diaz@hca.wa.gov.

WSR 21-18-060
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE

[Filed August 26, 2021, 12:44 p.m.]

CHANGE OF MEETING LOCATION

The board of trustees of Washington state Community College District 17 (Community Colleges of Spokane) has changed the location of the following regular meeting:

From: Tuesday, September 14, 2021.

To: This meeting will be held virtual [virtually] (Zoom).

If you need further information contact Cathy Wells, Community Colleges of Spokane, 501 North Riverpoint Boulevard, Spokane, WA 99217, phone 509-434-5006, fax 509-434-5025, email Cathy.Wells@ccs.spokane.edu.

WSR 21-18-066
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Filed August 26, 2021, 2:52 p.m.]

Please be advised that the board of trustees of Bates Technical College, at their scheduled board retreat on August 6, 2021, identified the dates following for their monthly meetings in the years 2021 and 2022, in compliance with RCW 42.30.075.

Most meetings are the fourth Monday of the month and will consist of a study session at 2 p.m. and a regular meeting at 3 p.m. at the Downtown Campus at 1101 South Yakima Avenue, Tacoma, WA 98405, or via a virtual meeting platform for observation of any applicable COVID-19 restrictions. The June 2022 meeting will be held at the South Campus at 2201 South 78th Street, Tacoma, WA 98409 and the September 2022 meeting will be held at the Central Campus at 2320 South 19th Street, Tacoma, WA 98405.

Board of Trustees Meeting Calendar
2021-2022

September 27, 2021	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
October 25, 2021	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
December 6, 2021	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
January 31, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
February 28, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
March 28, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
April 25, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
May 23, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
June 2022	To be determined	Commencement Tacoma Dome or virtual
June 27, 2022	2:00 p.m.	Study session South campus or virtual
	3:00 p.m.	Meeting South campus or virtual
July 25, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
August 2022	To be determined	Board Retreat To be determined

September 26, 2022	2:00 p.m.	Study session Central campus or virtual
	3:00 p.m.	Meeting Central campus or virtual
October 24, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual
December 12, 2022	2:00 p.m.	Study session Downtown campus or virtual
	3:00 p.m.	Meeting Downtown campus or virtual

WSR 21-18-078

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE UNIVERSITY

[Filed August 27, 2021, 1:37 p.m.]

Following is the schedule of regular meetings for the Associated Students of Washington State University Tri-Cities (ASWSUTC) Senate meetings.

For year: 2021-2022

Date	Time	Location
Tuesdays	7:00 - 8:30 p.m.	SUB 120N

If you need further information contact Isaac Marroquin, ASWSUTC Vice-President, 403 West Lewis Street, P.O. Box 1102, Pasco, WA 99031, email Isaac.marroquin@wsu.edu; or Ian Jamieson, Advisor, email ian.jamieson@wsu.edu.

WSR 21-18-080
RULES COORDINATOR
CONSOLIDATED TECHNOLOGY SERVICES
[Filed August 30, 2021, 7:54 a.m.]

Consolidated technology services has delegated authority to engage in rule making under chapter 43.105 RCW.

Pursuant to RCW 34.05.312, the rules coordinator for consolidated technology services is Derek Puckett, 1500 Jefferson Street S.E., Olympia, WA 98504-1501, 360-407-7989, derek.puckett@watech.wa.gov.

William S. Kehoe
Director and State CIO

WSR 21-18-083

NOTICE OF PUBLIC MEETINGS

HUMAN RIGHTS COMMISSION

[Filed August 30, 2021, 9:32 a.m.]

The following times, dates, and locations are for commission meetings for 2021:

Washington state human rights commission, commission meeting, on September 23, 2021, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 360-407-4020, access code 8074251.

Washington state human rights commission, commission meeting, on October 28, 2021, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 360-407-4020, access code 8074251.

Washington state human rights commission, commission meeting, on November 2021, at 9:30 a.m., conference call, date TBD, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

Washington state human rights commission, commission meeting, on December 2021, at 9:30 a.m., conference call, date TBD, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

WSR 21-18-090

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed August 30, 2021, 4:36 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Self-Treatment or Treatment of Immediate Family Members. MD2013-03.01.

Issuing Entity: Washington medical commission.

Subject Matter: Practitioners treating family members or themselves.

Effective Date: March 5, 2021.

Contact Person: Michael Farrell, JD, Policy Development Manager,
16201 East Indiana Avenue, Spokane, WA 992106, 509-329-2186,
Michael.farrell@wmc.wa.gov.

WSR 21-18-095

NOTICE OF PUBLIC MEETINGS

SKAGIT VALLEY COLLEGE

[Filed August 31, 2021, 8:42 a.m.]

Change of Location for the Regular Board of Trustees Meetings

Due to the increase in COVID-19 cases, the location for the Skagit Valley College board of trustees regular meetings scheduled for the dates listed below have been changed to meeting remotely. A link will be posted on the Skagit Valley College website prior to each meeting. The start time for each meeting remains as originally scheduled, 4:30 p.m.

Meeting Dates:

October 12, 2021

November 9, 2021

December 14, 2021

WSR 21-18-117

DEPARTMENT OF ECOLOGY

[Filed September 1, 2021, 8:49 a.m.]

NOTICE OF WASHINGTON STATE'S SUBMITTAL
OF THE 2018 WATER QUALITY ASSESSMENT
TO THE ENVIRONMENTAL PROTECTION AGENCY

The department of ecology (ecology) submitted Washington state's 2018 water quality assessment (assessment) and candidate 303(d) list to the Environmental Protection Agency (EPA) Region 10 on August 31, 2021. The 2018 assessment represents an "integrated report" to meet the federal Clean Water Act requirements of sections 305(b) and 303(d). The assessment fulfills Washington state's obligation under the Clean Water Act to identify polluted waters (known as the § 303(d) list) as well as report on the status of water quality in the state (called the § 305(b) report).

How can I learn more about the 2018 assessment results? For information on Washington state's 2018 assessment submittal to EPA, go to ecology's website at <https://ecology.wa.gov/303d>.

Ecology gathered and analyzed water quality data and information that was received through 2017 for this assessment cycle. A public review of the draft assessment results was held April 8 - June 4, 2021. As part of the submittal to EPA, ecology developed two key documents associated with the 2018 water Quality Assessment:

1. Supporting Information for 2018 Water Quality Assessment: Supplemental methods, citations, and data sources (<https://apps.ecology.wa.gov/publications/SummaryPages/2110043.html>).

2. Response to Public Comments: 2018 Water Quality Assessment (<https://apps.ecology.wa.gov/publications/SummaryPages/2110044.html>).

What happens after submittal of the 2018 assessment to EPA? EPA will review the 2018 assessment and take an approval action on the Category 5 list of waters (i.e. the 303(d) list). Approved Category 5 listings will need to have a clean-up plan developed (also known as a total maximum daily load or TMDL) to improve water quality so that the water is meeting water quality standards.

To ask questions about the 2018 assessment, please contact Jeremy Reiman, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, email 303d@ecy.wa.gov, phone 360-819-0197.

WSR 21-18-118

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed September 1, 2021, 9:18 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Continuing Medical Education Requirements During the COVID-19 Response. Policy Statement PO 20-51.2.

Issuing Entity: Podiatric medical board.

Subject Matter: Addressing the impact COVID-19 response measures are having on the podiatric physician profession with regard to meeting the continuing medical education requirements. The podiatric medical board is extending the expiration of this policy through December 31, 2021, or until the declared state of emergency issued under Proclamation 20-05 is rescinded, whichever is later.

Effective Date: July 15, 2021.

Contact Person: Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4941, podiatric@doh.wa.gov.

WSR 21-18-124

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed September 1, 2021, 10:50 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Continuing Competency Requirements During the COVID-19 Response. Policy Number: BOD 21.2.

Issuing Entity: Board of denturists.

Subject Matter: To address difficulties related to the coronavirus disease 2019 (COVID-19) pandemic that impact licensed denturists' ability to meet the continuing competency (CE) requirements in Washington state, and in accordance with WAC 246-12-210, the Washington board of denturists (board) will allow a licensed denturist to obtain their CE through online courses. The board is extending the effective date of this policy through December 31, 2021.

Effective Date: July 16, 2021.

Contact Person: Vicki Brown, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4941, Vicki.Brown@doh.wa.gov.