

WSR 21-18-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 18, 2021, 1:18 p.m.]

Subject of Possible Rule Making: The department is considering adding a new section in chapter 388-76 WAC, Adult family home minimum licensing requirements, and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040 Adoption of rules—Negotiated rule making—Specialty license.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The amendments to chapter 388-76 WAC will reestablish inspection timelines and identify the period of time that inspections were held in suspension during the COVID-19 pandemic, in accordance with Governor's Proclamation 20-18.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Libby Wagner, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 360-464-0487, fax 360-725-3224, email libby.wagner@dshs.wa.gov.

August 17, 2021
Katherine I. Vasquez
Rules Coordinator

**WSR 21-18-003
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Division of Consumer Services)
[Filed August 18, 2021, 2:20 p.m.]

WSR 21-10-054, dated April 29, 2021, is withdrawn. The department wishes to consider the matter further.

Devon P. Phelps
Chief of Regulatory Affairs
Consumer Services

**WSR 21-18-004
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Division of Consumer Services)
[Filed August 18, 2021, 2:21 p.m.]

WSR 21-10-053, dated April 29, 2021, is withdrawn. The department wishes to consider the matter further.

Devon P. Phelps
Chief of Regulatory Affairs
Consumer Services

**WSR 21-18-010
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Filed August 19, 2021, 1:20 p.m.]

The department of ecology is withdrawing its notice of rule making (Preproposal statement of inquiry CR-101 form) filed July 2, 2013, Order 13-04, WSR 13-14-105.

Ecology proposed to amend chapter 173-491 WAC, Emissions standards and controls for sources emitting gasoline vapors. This rule establishes standards for the control of air contaminants emitted from gasoline marketing sources. The rule applies to gasoline marketing operations, which include the storage, transport, and transfer of gasoline.

We began this rule making eight years ago to update the statewide Stage I requirements for gas stations. We paused rule development to work on higher priority rule makings. After reviewing the CR-101 form, we have determined that we would need to expand the scope of this rule making if we were to proceed in the future, so we are withdrawing this notice.

For more information, contact Jason Alberich at 360-764-6663 or jason.alberich@ecy.wa.gov.

WSR 21-18-028

**PREPROPOSAL STATEMENT OF INQUIRY
BELLINGHAM TECHNICAL COLLEGE**

[Filed August 23, 2021, 1:16 p.m.]

Subject of Possible Rule Making: Revise WAC 495B-121-380 and 495B-121-390 to update new appeal provisions that provide more granular description of the appeal process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff, and visitors clear direction on college processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, website www.btc.edu.

August 23, 2021
Ronda Laughlin
Executive Assistant
to the President

WSR 21-18-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 23, 2021, 3:27 p.m.]

Subject of Possible Rule Making: Domestic sheep and goats on Washington department of fish and wildlife lands.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is needed to prevent the spread of disease, including (*Mycoplasma ovipneumoniae*), to bighorn sheep from domestic sheep and goats on department lands. There is an existing threat on department land where pack goats are in close vicinity to wild bighorn sheep. The current threat of disease transmission could have dire impacts on state bighorn sheep populations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Eric Gardner, P.O. Box 43200, phone 360-902-2515, email SheepAndGoats@PublicInput.com, website <https://publicinput.com/SheepAndGoats>.

August 23, 2021
Annie Szvetecz
Rules Coordinator

**WSR 21-18-036
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
BELLINGHAM TECHNICAL COLLEGE**

[Filed August 24, 2021, 8:42 a.m.]

Due to ongoing changes and guidance from the assistant attorney general's (AAG) office, Bellingham Technical College wishes to withdraw proposed rule making [preproposal] WSR 21-17-053, filed on August 10, 2021, at 1:07 p.m.

This proposed rule relates to revisions to chapter 495B-121 WAC. Bellingham Technical College anticipates a new CR-101 will be submitted once the AAG's office has finalized its guidance related to the rule.

Please contact Ronda Laughlin at rlaughterlin@btc.edu or 360-752-8334 if you require additional information or clarification.

Ronda Laughlin
Executive Assistant
Rules Coordinator

WSR 21-18-067
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 26, 2021, 3:03 p.m.]

Subject of Possible Rule Making: WAC 182-532-530 Family planning only programs—Covered services; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending this rule to add the HPV vaccine as a covered service under the family planning only program. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Christine Quinata, Program Questions, P.O. Box 55109, Olympia, WA 98504-5109, phone 360-725-1652, fax 360-586-9727, TRS 711, email melissa.kundur@hca.wa.gov [christine.quinata@hca.wa.gov], website www.hca.wa.gov/about-hca/rulemaking.

August 26, 2021
Wendy Barcus
Rules Coordinator

WSR 21-18-085

PREPROPOSAL STATEMENT OF INQUIRY
BELLINGHAM TECHNICAL COLLEGE

[Filed August 30, 2021, 2:18 p.m.]

Subject of Possible Rule Making: Revise chapter 495B-121 WAC to update new appeal provisions that provide more granular description of the appeal process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff, and visitors clear direction on college processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, website www.btc.edu.

August 30, 2021
Ronda Laughlin
Executive Assistant
to the President

WSR 21-18-086
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 30, 2021, 3:09 p.m.]

This memo serves as notice that the Washington medical commission (commission) is withdrawing WSR 20-09-132, filed April 21, 2020. The CR-101 for chapter 246-919 WAC, allopathic physicians, and chapter 246-918 WAC, allopathic physician assistants, was filed to consider creating new rule sections to regulate the use of stem cell therapy.

On June 17, 2021, the first workshop for the commission's proposed stem cells rule making was held. The panel and interested parties discussed draft language for this rule during the workshop. The panel determined that rule making on this subject was not necessary as RCW 18.130.420 regulates the use of stem cell therapy and additional rules were not needed to ensure patient safety. Based on the feedback from the interested parties at the workshop, the panel determined that the commission should, instead, create a policy or guideline about the use of stem cell therapies. The panel voted to recommend rescinding the CR-101 and create a policy or guideline.

Individuals requiring information on this rule should contact Amelia Boyd, program manager, at 360-918-6336.

Tami M. Thompson
Regulatory Affairs Manager

WSR 21-18-088
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 30, 2021, 4:06 p.m.]

This memo serves as notice that the Washington medical commission (commission) is withdrawing the CR-101 for WAC 246-919-XXX allopathic physicians and 246-918-XXX allopathic physician assistants. The commission was considering creating new rule sections to regulate the use of telemedicine. The CR-101 was filed September 17, 2019, and published in WSR 19-19-072.

The commission's telemedicine rules workgroup received numerous comments for consideration that raised concerns that the adoption of rules may be premature at this stage due to legislative changes that have occurred and anticipated changes due in the next legislative sessions.

HB 1196 (chapter 157, Laws of 2021) which created audio only telemedicine billing also mandated a report due November 2021 from the Washington state telemedicine collaborative that will provide substantive recommendations on how a patient-practitioner relationship may be established via telemedicine. Rather than place the rules process on hold for what could be a significant period of time, the commission is rescinding the CR-101 until such a time as the statutory changes and technology questions are more settled. The commission may consider filing a new CR-101 at that time.

Individuals requiring information on this rule should contact Amelia Boyd, program manager, at 360-918-6336.

Tami M. Thompson
Regulatory Affairs Manager

**WSR 21-18-091
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-22—Filed August 30, 2021, 4:49 p.m.]

Subject of Possible Rule Making: Audited financial statements.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 48.02.060, 48.38.010(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Charitable gift annuity certificate of exemption holders are required to submit annual reports to the office of the insurance commissioner. One component of those reports is an audited financial statement. Depending on the makeup of the organization some of the audited reports are consolidated, combining multiple companies into one financial statement, while others are specific to only one entity. Currently, WAC 284-38-200 phrasing provides a timeline only to filers of consolidated audited statements, it does not mention those that are filing as a single entity. This was not the intent as originally drafted, therefore [hence] the need to amend WAC 284-38-200 to provide a uniform timeline for submission of audited financial statements by entities authorized to issue charitable gift.

Process for Developing New Rule: Comments by September 15, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tabba Alam, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

August 30, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-18-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed August 31, 2021, 7:45 a.m.]

Subject of Possible Rule Making: WAC 458-20-181 Vessels, including log patrols, tugs and barges, operating upon waters in the state of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.04.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department intends to update this rule to ensure consistency with statutory language. The department is soliciting public comments from the public on possible rule making concerning the provision in WAC 458-20-181 that states, "Charges made for drydocking are not subject to the retail sales tax provided such charges are shown as an item separate from charges made for repairing." This provision may conflict with the definition of "selling price" in RCW 82.08.010. The department also intends to amend the rule to accurately reflect current practices of drydocking and practices regarding vessel haul out and vessel repair.

Process for Developing New Rule: The department intends to reach out to relevant industry groups and stakeholders to participate in the rule-making process. All stakeholders interested in this rule making may contact the individual listed below. The public may participate by providing written comments throughout this rule making or by giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katie Koontz, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1529, email katieko@dor.wa.gov, website dor.wa.gov.

Additional comments: No preliminary draft of possible rule changes is available at this time.

Written comments may be submitted by mail or email and should be directed to Katie Koontz using one of the contact methods above. Written and oral comments will be accepted at the public meeting on September 28, 2021, at 10:00 a.m., telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

August 31, 2021
Atif Aziz
Rules Coordinator

WSR 21-18-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 31, 2021, 10:54 a.m.]

Subject of Possible Rule Making: WAC 246-827-0010, 246-827-0110, 246-827-0120, 246-827-0200, 246-827-0400, and 246-827-0610, medical assistants. The department of health (department) is considering rule amendments to several sections of medical assistant rules to update credentialing requirements and ensure that the rules are current and align with best practices. The department will also consider adding a new section to address telemedicine supervision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.360.030, 18.360.040, and 18.360.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering revisions to six sections of medical assistant rules to remove outdated language, remove English language requirements, and update credentialing requirements. The department is also considering adding a new section to regulate telemedicine supervision. Amendments may be necessary to remove irrelevant or confusing rule language, which will make the rules more easily understood. Removing the English language requirements will allow non-English proficient persons to enter the medical assistant workforce more easily. The department will consider updating credentialing requirements to allow out-of-state licensing, experience, or training for medical assistant applicants. This would allow experienced medical assistants to more easily enter the Washington workforce. HB 1378 (chapter 44, Laws of 2021) revises RCW 18.360.010 to allow medical assistant supervision via audio and video technology during a telemedicine visit. Rules may be necessary to clarify the use of telemedicine supervision to address what tasks, if any, may be done while the telemedicine connection is not active.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracie Drake, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email tracie.drake@doh.wa.gov, website www.doh.wa.gov.

Additional comments: All notices will be sent to the public through department of health distribution lists. Interested parties can join the distribution lists at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

August 31, 2021
Kristin Peterson, JD
Deputy Secretary
for Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-18-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 31, 2021, 1:25 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-446-0015 What is an intentional program violation (IPV) and administrative disqualification hearing (ADH) for basic food? and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to more closely align with 7 C.F.R. § 273.16 (e) (3) (iii) (I) by adding that notices for administrative disqualification hearings will include information on the availability of free legal representation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Budde, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504, phone 360-764-0068, fax 360-725-4905, email patrick.budde@dshs.wa.gov.

August 31, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-18-111
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed August 31, 2021, 4:29 p.m.]

Subject of Possible Rule Making: Ignition interlock device regulations: WAC 204-50-030 Definitions, 204-50-070 Variable calibration of an ignition interlock device, and 204-50-110 Mandatory Requirements for an ignition interlock device.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.395, 43.37.005, and 46.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 204-50-030, 204-50-070, and 204-50-110 are needed to coincide with legislative changes to the alcohol set point in RCW 46.20.720, which will become effective January 1, 2022. Additionally, there is a need to clean up, update, and move some of the definitions in WAC 204-50-030 to conform to language in other rules. Finally, updates to WAC 204-50-070 are needed to clean up existing language to provide clarity and consistency in terms to ensure the rule references and complies with current laws in the state of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing. The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: Agency review. WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, the WSP will file a Proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, website wsp.wa.gov/rules-development/; or Sergeant Brandon Villanti, 811 East Roanoke Street, Seattle, WA 98102, phone 206-720-3018 ext. #24120, fax 206-720-3264, email Brandon.villanti@wsp.wa.gov.

August 31, 2021
John R. Batiste
Chief

WSR 21-18-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed September 1, 2021, 8:35 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests. The department is considering establishing a quarantine on Dreissenid mussels, specifically zebra and quagga mussels (*Dreissena polymorpha* and *Dreissena rostriformis bugensis*) as harmful plant pests and regulating the import of *Aegagropila linnaei* (common product Marimo moss balls), in order to prevent the introduction of Dreissenid mussels to Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In March 2021 invasive zebra mussels were found attached to moss balls that were for sale at a pet store in Washington state. Detections began occurring in other states, such as neighboring Oregon, as well as Canada. Zebra mussels are fingernail-sized freshwater mollusks that are native to Eastern Europe. These mussels are known to reach extremely high densities outside of their native habitat and can quickly take over a body of water once they become established, smothering native species. Quagga mussels are closely related to zebra mussels and can have a similar harmful impact on the environment.

In an established population, Dreissenid mussels can cause severe environmental and economic damage. This includes disrupting food systems in bodies of water by filtering out algae and other microscopic biomass that native species need for food. Dreissenid mussels will also incapacitate native species of mussels by attaching to them. Established populations of this pest can change water chemistry, which can lead to increased blue green algae outbreaks and unpalatable water. All of this could lead to grievous impacts to Washington's aquaculture industry.

Additionally, Dreissenid mussels can indirectly injure or cause damage to plants and field crops, by disrupting water delivery, through agricultural irrigation systems. Established populations of Dreissenid mussels can clog ditches and irrigation pipes, disrupting the flow of water and causing water stress and crop damage. Restoring clogged irrigation systems can be extremely costly to fix. Regulating the import of *Aegagropila linnaei*, which have been found to carry this plant pest, will prevent the spread of Dreissenid mussels in the state and protect Washington's agricultural industry.

Aegagropila linnaei are bought and sold for use in aquariums. They are composed of a green filamentous algae species. In nature *Aegagropila linnaei* have been known to provide habitat for fish, shrimp, and other species. They are sold all over the United States by national retail chains, as well as smaller retailers and online suppliers. Although *Aegagropila linnaei* themselves are not invasive, they are a known carrier for Dreissenid mussels and other potentially invasive species. By designating *Aegagropila linnaei* as a regulated article, the department is breaking a known pathway for the movement of Dreissenid mussels into the state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture and Washington department of fish and wildlife. The department is engaging in ongoing communications about

Dreissenid mussel control and the quarantine of plant conveyances such as *Aegagropila linnaei*, through regular meetings of the Washington invasive species council.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2062, fax 360-902-2094, TTY 800-833-6388 or 711, email CCooper@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

September 1, 2021
Brad White
Assistant Director

WSR 21-18-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed September 1, 2021, 9:33 a.m.]

Subject of Possible Rule Making: The agency is considering rule making to address changes to the numbers of unspecified commercial crewmember licenses allowed to be held by holders of certain commercial fishing licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The authority to adopt fishery specific rules related to the number, period of validity, use, possession and display of such licenses was delegated to the Washington fish and wildlife commission in HB1437 during the 2021 session of the legislature when RCW 77.65.610 was amended.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of fish and wildlife proposes to add a new section to chapter 220-351 WAC, Commercial fisheries—Permits/licensing. This rule making will be used to identify the number of unspecified commercial crewmember licenses above the current allowance (of two) which can be held by a commercial fishing license holder for specific fishing licenses.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirt Hughes, phone 855-925-2801 (project code 3783), TTY 1-800-833-6388 or 711, email CrewmemberLicenses101@PublicInput.com, website <https://publicinput.com/CrewmemberLicenses>, contact for comments; or Kelly Henderson, phone 360-480-2421, TTY 1-800-833-6388 or 711, email Kelly.henderson@dfw.wa.gov, website <https://wdfw.wa.gov/fishing>, contact for questions.

September 1, 2021
Annie Szvetecz
Agency Rules Coordinator

WSR 21-18-120

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed September 1, 2021, 9:57 a.m.]

Subject of Possible Rule Making: WAC 260-49-070 Distribution of source market fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To review percentages distributed for source market fees and make any necessary adjustments.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

September 1, 2021
Douglas L. Moore
Executive Secretary

WSR 21-18-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed September 1, 2021, 10:02 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, the department is considering modifying the rules for assessing penalties for pesticide violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030(2), 17.21.315, 15.58.040(2), 15.58.335.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- Existing rules have not been substantially updated since they were first adopted in 1999.
- Penalties for various levels of violation are too low and do not serve as an effective deterrent.
- Having four levels of violation is meaningless since the department is rarely able to assess the highest level (4th level) of violation due to the time constraints of the investigation and adjudicative process. This limits the department's ability to assess the maximum civil penalties authorized by statute.
- Current rules for calculating license suspensions is a "one size fits all" approach and is not equitable when considering the differences between certain license types or when no licensed applicator is involved.
- Current rules for calculation of penalties do not accurately reflect the differences in severity of violations and do not specifically explain that each violation of the statutes or rule is a separate and distinct offense for the purpose of calculating total penalties for an incident.
- Rules for adjusting (aggravating or mitigating) a penalty within the penalty assignment schedule are not clear.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing(s).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Nielsen, Compliance Case Review Officer, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 509-990-6518, fax 360-902-2093, TTY 800-833-6388 or 711, email snielsen@agr.wa.gov, website agr.wa.gov.

September 1, 2021
Robin Schoen-Nessa
Assistant Director

WSR 21-18-122
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed September 1, 2021, 10:05 a.m.]

Subject of Possible Rule Making: Survivor option changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: To implement chapter 161, Laws of 2020 (SB 6417),
allowing members to change their survivor option one time within 90
calendar days following receipt of the first retirement benefit.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Jilene Siegel, Department of Retirement Systems, P.O. Box
48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email
drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules/.

September 1, 2021
Jilene Siegel
Rules Coordinator