

WSR 22-01-010

EXPEDITED RULES

DEPARTMENT OF HEALTH

[Filed December 2, 2021, 9:45 a.m.]

Title of Rule and Other Identifying Information: WAC 246-260-010 Definitions, abbreviations, and acronyms for water recreation facilities and WAC 246-262-010 Definitions, abbreviations, and acronyms for recreational water contact facilities. The department of health (DOH) is proposing to incorporate 2017 suction outlet fitting assemblies (SOFA) standards into the existing rules for use in swimming pools, wading pools, spas, and hot tubs.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Chapters 246-260 and 246-262 WAC outline requirements necessary to protect the health, safety, and welfare of users of water recreation facilities and recreational water contact facilities, respectively. These two chapters stipulate the use of the American National Standards Institute (ANSI)/Association of Pool and Spa Professionals (APSP) 2011 standards for suction fittings for use in swimming pools, wading pools, spas, and hot tubs.

On May 24, 2019, the federal Consumer Product Safety Commission issued a direct final rule incorporating sections of ANSI/APSP/International Code Council (ICC)-16 2017 as the successor SOFA standard under the Virginia Graeme Baker Pool and Spa Safety Act, with an effective date of November 24, 2020. The Pool and Hot Tub Alliance requested an extension of the effective date for the drain cover standard, citing as justification closures of third-party testing laboratories due to the COVID-19 pandemic. The effective date was extended, and the new standard became effective on May 24, 2021.

As a result of the adoption of the 2017 standard, the "suction fitting standard" definitions in chapters 246-260 and 246-262 WAC are inconsistent with the new federal standard. Now that manufacturers and distributors have started putting products tested and certified to ANSI/APSP/ICC-16 2017 on the market, they will quickly replace the old products. This means that, as time goes on, it will become more difficult to find products that meet the ANSI/APSP-16 2011 on the market. However, covers tested and approved under the old 2011 standard are still safe to use.

DOH requested and received delegated rule-making authority from the state board of health (board) at the board's October 13, 2021, meeting to amend WAC 246-260-010 and 246-262-010 to add the new standard so they align with the federal requirements to allow the use of the new standard. The existing 2011 standard will be retained in the rule at this time.

Reasons Supporting Proposal: Suction outlet covers serve a vital function in pool safety but they can crack, break, or get dislodged due to damages and degradation over time caused by pool chemicals and the sun's ultraviolet rays. As indicated by the manufacturers, the life expectancy of most pool/spa drain covers is typically five to 10 years. Considering that there are thousands of water recreation facilities throughout the state, hundreds of facilities require replacement of old covers each year. Moreover, hundreds of new water recreation facilities are constructed each year in the state, all of which require covers.

The rule making will prevent a potential public health problem. If water recreation facilities have difficulties replacing covers because of lack of availability, the facilities could pose a threat when

the existing covers fail. Adding the new 2017 standard to both chapters will allow for use of the existing 2011 standard and the new standard so that water recreation facility owners can replace covers or build new facilities without having challenges purchasing approved drain covers.

Statutory Authority for Adoption: RCW 70.90.120, 43.20.050.

Statute Being Implemented: RCW 70.90.120, 43.20.050.

Rule is necessary because of federal law, ANSI/APSP/ICC suction fitting outlet cover standard ANSI/APSP/ICC-16 2017

Name of Proponent: State board of health and DOH, governmental.

Name of Agency Personnel Responsible for Drafting: Peter Beaton, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4031; Implementation and Enforcement: Jun Naotsuka, 101 Israel Road S.E., Tumwater, WA 98501, 360-236-3073.

This notice meets the following criteria to use the expedited adoption process for these rules:

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

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rules adopt by reference without material change the following federal standards: ANSI/APSP SO-FA 2017 for use in pools, spas, and hot tubs. The purpose of this expedited rule making is to incorporate the latest federal standard and to do so in the most timely manner to minimize burden on the stakeholders.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Peter Beaton, DOH, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY February 22, 2022.

November 24, 2021
Lauren Jenks
Assistant Secretary

OTS-3412.1

AMENDATORY SECTION (Amending WSR 14-08-046, filed 3/27/14, effective 4/27/14)

WAC 246-260-010 Definitions, abbreviations, and acronyms. The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

- (1) "ALTI" means Advanced Lifeguard Training International.
- (2) "ANSI" means American National Standards Institute.
- (3) "APHA" means American Public Health association.
- (4) "Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with this chapter.
- (5) "APSP" means Association of Pool and Spa Professionals.
- (6) "ARC" means American Red Cross.
- (7) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.
- (8) "ASA" means American Standards Association.
- (9) "ASHRAE" means American Society of Heating, Refrigeration and Air Conditioning Engineers.
- (10) "ASTM" means American Society for Testing and Materials.
- (11) "Attendant" means a person appointed by the owner or manager meeting the training requirements of this chapter who monitors activities and conditions for the purpose of ensuring bather safety.
- (12) "AWWA" means American Waterworks Association.
- (13) "Bathing beach" means a bathing place, together with buildings and appurtenances, on a natural pond, lake, stream, or other body of fresh or salt water that is open to the public for bathing by express permission of the owner, operated for a fee, or openly advertised as a place for bathing by the public.
- (14) "Board" means the state board of health.
- (15) "Branch line" means suction piping between a junction fitting and a suction outlet.
- (16) "Commercial strength ammonia" means ammonia having a strength of (~~(twenty-six)~~) 26 degrees Baume.
- (17) "Communication system" means any combination of devices permitting the passage of messages between personnel and/or personnel and bathers. Systems can include but are not limited to two-way radios, hard wired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.
- (18) "Contaminant" means any physical, chemical, or biological substance present in the WRF water which may adversely affect the health or safety of the bather or the quality of the water.
- (19) "CPR" means cardiopulmonary resuscitation.
- (20) "CPSC" means U.S. Consumer Product Safety Commission.
- (21) "Cross-connection" means any physical arrangement connecting:
 - (a) Potable water system directly or indirectly, with anything other than another potable water system; or
 - (b) WRF pool to any water source capable of contaminating either the WRF pool, its components, or potable water source as a result of backflow.
- (22) "DE" means diatomaceous earth.
- (23) "Department" means the Washington state department of health.
- (24) "Deep water" means water greater than five feet in depth.

- (25) "Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or pool decking intended for users to dive.
- (26) "E&A" means Ellis and Associates.
- (27) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW.
- (28) "EPA" means U.S. Environmental Protection Agency.
- (29) "Equalizer line outlet" means a suction outlet located on the pool wall below the waterline and connected by pipe to the body of a skimmer to prevent air from being drawn into the pump if the water level drops below the skimmer weir.
- (30) "F" means Fahrenheit.
- (31) "Fall zones" mean the areas under and around play toys where a person playing on them could fall. These areas should be free of obstacles or other equipment so that there's plenty of room. Basic guidelines include the following:
- (a) Fall zones should extend a minimum of six feet in all directions from the perimeter of the play toy equipment.
- (b) If the height of an adjacent play toy is (~~thirty~~) 30 inches or more, the minimum distance between pieces of play equipment should be at least nine feet.
- (32) "FINA" means Federation Internationale de Natation Amateur.
- (33) "fps" means feet per second.
- (34) "General use pool" means any swimming, spa, wading, or spray pool regulated by this chapter not meeting the definition of a "limited use pool."
- (35) "gpm" means gallons per minute.
- (36) "Handhold" means a structure not over twelve inches above the water line around the perimeter of the pool wall, affording physical means for the bather to grasp the pool sides.
- (37) "IAPMO" means International Association of Plumbing and Mechanical Officials.
- (38) "Illness or injury report" means the written record of all facts regarding an injury or illness associated with the WRF.
- (39) "Innovative design feature" means a design feature, equipment, device, or operative procedure not specifically covered by these rules or chapter 246-262 WAC.
- (40) "Junction fitting" means a pipe fitting in the shape of a "T" or a "Y" used to connect suction outlets to a pump or a balancing tank, and provides two branch line connections and one trunk line connection.
- (41) "Licensed medical practitioner" includes medical doctor, osteopath, chiropractor, naturopath, and medical therapist currently licensed in Washington state.
- (42) "Lifeguard" means a person meeting the training requirements of these rules appointed by the owner or manager to maintain surveillance over the bathers on the deck or in the pool and to supervise bather safety.
- (43) "Lifeguard station" means designated work station of a lifeguard.
- (44) "Lifesaving equipment" means emergency equipment and barrier protection.
- (45) "Lifesaving Society" means the organization in Canada that establishes training requirements and standards for lifeguard training.
- (46) "Limited use pool" means:

(a) Any swimming, spa, wading, or spray pool regulated by this chapter at an apartment, assisted living facility, condominium, fraternity, home owners association, hotel, mobile home park, motel, recreational vehicle park, sorority or rental housing unit for the use of the persons living or residing at the facility and their resident's invited guests.

(b) When organized programs are provided at the facility (including, but not limited to, formal swimming or diving lessons, swim meets, or exercise classes), for users besides those specified under the limited use category, the pool facility shall be considered to be a general use pool during periods of such activity.

(47) "Local health officer" means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(48) "Main drain" means a submerged suction outlet for transferring water from a swimming pool, spa pool, or wading pool.

(49) "mg/l" means milligrams per liter. When requirements in this regulation specify limits for liquid volume measurements using mg/l or ppm, either may be used depending on the type of testing equipment available.

(50) "NAUI" means National Association of Underwater Instructors.

(51) "NSF" means National Sanitation Foundation.

(52) "NSPI" means National Spa and Pool Institute.

(53) "Outlet drain" means a drain for transferring water from a spray pool.

(54) "Owner" means a person owning and responsible for a WRF or their authorized agent.

(55) "PADI" means Professional Association of Diving Instructors.

(56) "Person" means an individual, firm, partnership, copartnership, corporation, company, association, club, government entity, or organization of any kind.

(57) "Physical plant" refers to pool shell, piping, lighting, ventilation, locker rooms, chemical storage rooms, mechanical rooms, or other structural facility components that are not readily modified. It does not include pumps, filters or disinfection systems.

(58) "Play toy" is a water feature added to a pool for use by bathers that provides activity or action that enhances the overall use of the water environment. Such feature may include, but not be limited to, fixed stationary features, inflatable or floatable equipment, or other equipment with the intent to invite bathers to play on or around the feature.

(59) "Pool" means swimming pool, wading pool, spray pool, or spa pool or the like.

(60) "ppm" means parts per million. See notation under mg/l for use.

(61) "Private club" means a group or organization requiring membership enrollment.

(62) "Radius of curvature" means the radius arc denoting the curved surface from the point of departure from the springline (vertical sidewall) of the pool to the pool bottom.

(63) "Response time" means time between bather distress and initiation of rescue assistance contact by a lifeguard in facilities providing lifeguards.

(64) "Recreational water contact facility" means an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves

immersion of the body partially or totally in the water, and that includes but is not limited to water slides, wave pools, and water lagoons. These facilities are regulated by chapter 246-262 WAC.

(65) "Secretary" means the secretary of the department.

(66) "Serious injury" means any injury:

(a) Requiring emergency service response where a person requires medical treatment as determined by the emergency medical response personnel; or

(b) Resulting in a person seeking medical attention at a medical facility, hospital emergency room or admittance to a hospital.

(67) "Shallow water" means water equal to or less than five feet in depth.

(68) "Shallow water lifeguard" means a person appointed by the owner or manager to supervise bather safety in water depths not exceeding five feet who meets the training requirements of this chapter.

(69) "Spa pool" means a pool designed for relaxation or recreational use where the user is usually sitting, reclining, or at rest and the pool is not drained, cleaned, and refilled for each user. The spa pool may include, but not be limited to, hydrojet circulation, hot water, cold water, mineral baths, air induction bubbles in any combination.

(70) "Spray pool" means a pool or artificially constructed depression for use by bathers in which water is sprayed, but is not allowed to pond in the bottom of the pool.

(71) "Springline" means the point where the pool wall breaks from vertical and begins its arc in the radius of curvature (for cove construction) to the bottom of the pool.

(72) "Suction fitting standard" means the ANSI/APSP-16 2011, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs or the ANSI/APSP/ICC-16 2017, American National Standard for Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas and Hot Tubs.

(73) "Suction outlet" means a fitting, fitting assembly and related components including the sump or bulkhead fitting, cover and hardware, that provides a localized low pressure area for the transfer of water from a water recreation facility. Types of suction outlets include main drains, equalizer line outlets, and submerged outlet drains.

(74) "Swimming pool" means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, relaxation, or recreational bathing and having a depth of two feet or more at any point and including all associated facilities.

(75) "Swim spa" means a type of spa pool used primarily for stationary swimming.

(76) "Trunk line" means suction piping between a junction fitting and a pump or a balancing tank.

(77) "TU" means turbidity unit as measured by the nephelometric method.

(78) "Turnover time" means the minimum time necessary to circulate the entire volume of the pool facility through the treatment system.

(79) "UBC" means Uniform Building Code.

(80) "UL" means Underwriters' Laboratories.

(81) "Wading pool" means any artificial pool of water equal to or less than two feet deep and intended for wading purposes.

(82) "Walking surface" means any surface used as a direct access surface for a pool area and the walking surface's change room facilities where the user is barefoot.

(83) "Water treatment operator" means the appointed person operating the physical and mechanical equipment and performing related water quality monitoring and associated record keeping for proper operation of the physical facility.

(84) "Water recreation facility" means any artificial basin or other structure containing water used or intended to be used for recreation, bathing, relaxation or swimming, where body contact with the water occurs or is intended to occur and includes auxiliary buildings and appurtenances. The term includes, but is not limited to:

(a) Conventional swimming pools, wading pools, and spray pools;

(b) Recreational water contact facilities as defined under RCW 70.90.110 and regulated under chapter 246-262 WAC;

(c) Spa pools and tubs using hot water, cold water, mineral water, air induction, or hydrojets; and

(d) Any area designated for swimming in natural waters with artificial boundaries within the waters.

(85) "WRF" means water recreation facility.

(86) "WRPA" means Washington Recreation and Parks Association.

(87) "WSDA" means Washington state department of agriculture.

(88) "YMCA" means Young Men's Christian Association.

[Statutory Authority: RCW 70.90.120 and 2012 c 10. WSR 14-08-046, § 246-260-010, filed 3/27/14, effective 4/27/14. Statutory Authority: RCW 70.90.120. WSR 12-17-102, § 246-260-010, filed 8/17/12, effective 9/17/12; WSR 10-20-131, § 246-260-010, filed 10/5/10, effective 11/5/10. Statutory Authority: Chapters 70.90 and 43.20 RCW. WSR 04-18-096, § 246-260-010, filed 9/1/04, effective 10/31/04. Statutory Authority: RCW 70.90.120. WSR 92-02-020 (Order 226B), § 246-260-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-260-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.90.120. WSR 90-07-010 (Order 042), § 248-98-001, filed 3/12/90, effective 4/12/90; Regulation .98.001, effective 3/11/60.]

OTS-3413.1

AMENDATORY SECTION (Amending WSR 12-17-102, filed 8/17/12, effective 9/17/12)

WAC 246-262-010 Definitions, abbreviations, and acronyms. The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Advanced first aid" means a course of instruction recognized by the American Red Cross, department of labor and industries, the U.S. Bureau of Mines, or fire services training program.

(2) "ANSI" means American National Standard Institute.

(3) "Approved" means the department or local health officer has stated in writing that the design plans and specifications are in accordance with chapter 246-262 WAC.

(4) "ARC" means American Red Cross.

- (5) "Architect" means a registered architect currently licensed under chapter 18.08 RCW in Washington state.
- (6) "APSP" means Association of Pool and Spa Professionals.
- (7) "ASTM" means American Society for Testing Material.
- (8) "Attendant" means a person trained to operate an attraction and control the users in a safe orderly manner.
- (9) "Attraction or ride" means any of the specific types of recreational facilities involving partial or total immersion or intentional contact with the water designated for public recreational use.
- (10) "Biomechanics" means the study of the human body as a system operating under the laws of Newtonian mechanics and the biological laws of life.
- (11) "Board" means the state board of health.
- (12) "Boogie or mini-surf board" means any semirigid device used in a wave pool for flotation or as a riding device.
- (13) "Branch line" means suction piping between a junction fitting and a suction outlet.
- (14) "Centerline" means the path defined by geometric midpoints of a component or structure, generally used in consideration of the slide path in flume rides.
- (15) "CNCA" means Council for National Cooperation in Aquatics.
- (16) "Communication system" means any combination of devices permitting the passage of or exchange of messages between park operating personnel and between operating personnel and users. Systems can include, but are not limited to, two-way radios, hardwired intercoms, horns, whistles, hand signals, direct voice, signs, or equivalent.
- (17) "Contaminant" means any physical, chemical or biological substance present in the RWCF water which may adversely affect the health or safety of the user and/or the quality of the water.
- (18) "Cross-connection" means any physical arrangement connecting:
- (a) A potable water system directly or indirectly, with anything other than another potable water system; or
 - (b) A RWCF to any potable or nonpotable water source capable of contaminating either the RWCF or potable water source as a result of backflow.
- (19) "Department" means the Washington state department of health.
- (20) "Discharge section" means the component or components making up the exit of the water slide, water tube, inner tube ride, speed slide, ramp slide, drop slide or drop tube, or kiddie flume. These components are the elements controlling the final direction and speed of the user.
- (21) "Diving envelope" means the minimum dimensions of an area within the pool necessary to provide entry from a diving board, platform, or attraction segment where users enter above pool water level.
- (22) "Drop slide or drop tube ride" means a sloped trough, chute, or tube exiting the user above the pool operating water level.
- (23) "Engineer" means a registered professional engineer currently licensed under chapter 18.43 RCW in Washington state.
- (24) "Entry access points" means the areas where users enter an attraction.
- (25) "Entry rate" means the frequency at which users are permitted access to the attraction.
- (26) "Equalizer line outlet" means a suction outlet located on the pool wall below the waterline and connected by pipe to the body of

a skimmer to prevent air from being drawn into the pump if the water level drops below the skimmer weir.

(27) "Ergonomics" means a multidisciplinary activity dealing with the interactions between humans and their environment plus the traditional environmental elements atmosphere, heat, light, and sound, as well as objects with which the user comes in contact.

(28) "FINA" means Federation Internationale de Natation Amateur.

(29) "Flume or tube entry" means the area at which users enter a water slide, water tube, inner tube ride, speed slide, drop slide, drop tube, or kiddie flume.

(30) "fps" means feet per second.

(31) "gpm" means gallons per minute.

(32) "IAAPA" means International Association of Amusement Parks and Attractions.

(33) "Injury or illness report" means the written record of all facts regarding an injury or illness associated with the RWCF.

(34) "Inner tube ride" means an attraction where users ride inner tube-like devices through a series of chutes, channels, flumes, and pools.

(35) "Innovative recreational water contact facility" means any type of RWCF currently unregulated.

(36) "Intermediate pool" means any pool between the entry and exit pools in attraction using a series of pools.

(37) "Junction fitting" means a pipe fitting in the shape of a "T" or a "Y" used to connect suction outlets to a pump or a balancing tank, and provides two branch line connections and one trunk line connection.

(38) "Kiddie flume or tube attraction" means a flume, chute, or tube designated for and restricted to use by small children.

(39) "Lifeguard" means an individual currently certified by red cross in advance lifesaving or lifeguard training, or YMCA senior lifesaver, or equivalent certification through the royal Canadian lifeguard services.

(40) "Lifeguard station" means the designated work station of the lifeguard.

(41) "Local health officer" means the health office of the city, county, or city-county department or district or a representative authorized by the local health officer.

(42) "Main drain" means a submerged suction outlet for transferring water from a recreational water contact facility.

(43) "mg/l" means milligrams per liter.

(44) "Multiactivity pool" means a pool with more than one type of attraction (i.e., an adult activity pool with a series of tubes, chutes, cable rides, etc., intended for use by individuals with specific swimming abilities).

(45) "NSF" means National Sanitation Foundation.

(46) "NSPI" means National Spa and Pool Institute.

(47) "Operating levels" means water levels maintained within attractions during use for proper operation of facility and for controlling safety and sanitation.

(48) "Operations" means all aspects of a RWCF, which must be controlled to make the facility safe, healthy, and usable for the purpose intended.

(49) "Owner" means a person owning and responsible for a RWCF or authorized agent.

(50) "Person" means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(51) "Ponding" means a condition where water fails to drain from walking surfaces.

(52) "ppm" means parts per million.

(53) "Primary zone of visual coverage" means the area assigned to a lifeguard or attendant for primary visual surveillance of user activity.

(54) "Radius of curvature" means the radius arc which denotes the curved surface from the point of departure from the vertical sidewall (springline) of the pool to the pool bottom.

(55) "Ramp slide" means a slide allowing one or more users to slide in unison down a straight incline to a runout or a receiving pool.

(56) "Recirculation filter water" means water which is recirculated by the RWCF for treatment purposes, i.e., filtration and disinfection.

(57) "Response time" means elapsed time between bather distress and initiation of rescue assistance by a lifeguard (or attendant where applicable).

(58) "RWCF" means recreational water contact facility which is an artificial water associated facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water and includes, but is not limited to, water slides, wave pools, and water lagoons.

(59) "Secretary" means the secretary of the department.

(60) "Serious injury" means any injury requiring admission to a hospital.

(61) "Speed slide or speed tube" means a sloped trough, flume, tube, or roller track having long straight and/or steep drops where users sustain speeds of (~~twenty~~) 20 miles per hour or more.

(62) "Springline" means the point from which the pool wall breaks from vertical and begins its arc in the radius of curvature (for coved construction) to the bottom of the pool.

(63) "Suction fitting standard" means the ANSI/APSP-16 2011, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs or the ANSI/APSP/ICC-16 2017, American National Standard for Suction Outlet Fitting Assemblies (SOFA) for Use in Pools, Spas and Hot Tubs.

(64) "Suction outlet" means a fitting; fitting assembly and related components, including the sump or bulkhead fitting, cover, and hardware that provides a localized low pressure area for the transfer of water from a recreational water contact facility. Types of suction outlets include main drains and equalizer line outlets.

(65) "Surfboard" means a rigid device used in a wave pool for riding.

(66) "Tail coverage" means providing insurance coverage for a given period of time for discovery of claims made after the policy term for "claims made" type of insurance.

(67) "Total turnover" means the time it takes for the pool attraction water volume to be recirculated as a sum of the flows from treatment turnover and attraction recirculation systems turnover.

(68) "Treatment turnover" means the minimum time necessary to circulate the entire attraction water volume through the recirculation filter system.

(69) "Trunk line" means suction piping between a junction fitting and a pump or a balancing tank.

(70) "T.U." means turbidity unit as measured by the nephelometric method.

(71) "Wading activity pool" means a pool or area less than (~~twenty-four~~) 24 inches in total water depth with activities intended for younger children.

(72) "Walking surface" means any direct access surface to the attractions or change rooms where the user will be in bare feet. Areas set aside for picnicking, sunbathing, and lounging are excluded.

(73) "Water slide or water tube" means a sloped trough-like flume or tube structure of varying slope and direction using water as a lubricant and/or method of regulating the rider speed.

(74) "Water treatment operator" means the person appointed to operate the mechanical equipment and perform related water quality monitoring for proper operation of the physical facility.

(75) "Wave pool" means a recreational pool producing waves which usually begin at the deep end and proceed toward and dissipate at the shallow end.

(76) "WWA" means World Waterpark Association.

[Statutory Authority: RCW 70.90.120. WSR 12-17-102, § 246-262-010, filed 8/17/12, effective 9/17/12; WSR 10-20-131, § 246-262-010, filed 10/5/10, effective 11/5/10; WSR 92-02-020 (Order 226B), § 246-262-010, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-262-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.90.120. WSR 88-13-125 (Order 311), § 248-97-020, filed 6/22/88.]

WSR 22-01-025
EXPEDITED RULES
BUILDING CODE COUNCIL
[Filed December 3, 2021, 10:01 a.m.]

Title of Rule and Other Identifying Information: Corrections to chapter 51-52 WAC: Adoption and amendment of the 2018 International Mechanical Code.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This filing is making corrections to the adopted amendments to the 2018 International Mechanical Code, as adopted by the state building code council on November 8, 2019.

Reasons Supporting Proposal: Several inconsistencies were found upon review of the code after initial adoption. The following editorial corrections are being made:

1. In Table 403.3.1.1, under private dwellings, single [single] and multiple, laundry areas is removed as there is no longer a code requirement for local ventilation of laundry areas, so this just creates confusion. As the requirement was removed, the footnote associated was also removed.

2. Two subsections from Section 606 were inadvertently filed under Section 601. These two subsections were moved to the appropriate place in WAC 51-52-0606.

3. At the final hearing, there were changes made to add requirements for two additional referenced standards for refrigerant alternatives with a lower global warming potential. While these standards were added to the list of reference standards, the citation in code text was not included as intended. Section 101.2 adds a reference to UL 60335 part 2-40 and Section 1101.6 adds an exception for A2L refrigerants that comply with ASHRAE 15-2019.

4. In Section 1209.5, there was a change to the model code language that restructured this section. The retention of the previous language was not intended to overwrite the current model code requirement in the renumbered Section 1209.5.1. The state amendment was corrected to move the language from the amended version of 1209.5.1 to the base language in 1209.5 to clarify that the model code Section 1209.5.1 is still effective.

5. The referenced standard chapter was corrected to include corrected titles and effective editions for three standards referenced in the code, along with the location of those section references.

Statutory Authority for Adoption: RCW 19.27.031, 19.27.074.

Statute Being Implemented: Chapter 19.27 RCW.

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

Name of Proponent: Washington state building code council, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Krista Braaksma, 1500 Jefferson Street S.E., Olympia, 360-407-9278; Enforcement: Local jurisdictions.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate:

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Andrew Klein, Acting Chair, Washington State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9255, email sbcc@des.wa.gov, AND RECEIVED BY February 22, 2022.

November 30, 2021
Andrew S. Klein
Council Acting Chair

OTS-3508.2

AMENDATORY SECTION (Amending WSR 21-05-020, filed 2/8/21, effective 3/11/21)

WAC 51-52-0403 Section 403—Mechanical ventilation.

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

403.2 Outdoor air required. The minimum *outdoor airflow rate* shall be determined in accordance with Section 403.3.

EXCEPTIONS: 1. Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of *outdoor air* ventilation determined in accordance with Section 403.3, the minimum required rate of *outdoor air* shall be reduced in accordance with such engineered system design.
2. Alternate systems designed in accordance with ASHRAE Standard 62.1 Section 6.2, Ventilation Rate Procedure, shall be permitted.

403.2.1 Recirculation of air. The air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.

2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply airstream consists of air recirculated from these spaces.

3. Where mechanical exhaust is required by Note b in Table 403.3.1.1, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.1.1.

4. Where mechanical exhaust is required by Note g in Table 403.3.1.1, mechanical exhaust is required and recirculation from such spaces is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces. Return air from such spaces shall only be permitted to be recirculated when

returned to an energy recovery ventilation system complying with Section 514. Recirculation of air that is contained completely within such spaces shall not be prohibited.

403.3 Outdoor air and local exhaust airflow rates. Group R occupancies shall be provided with outdoor air and local exhaust in accordance with Section 403.4. All other buildings intended to be occupied shall be provided with outdoor air and local exhaust in accordance with Section 403.3.1.

403.3.1.1 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. In each occupiable space, the ventilation system shall be designed to deliver the required rate of outdoor airflow to the breathing zone. Outdoor air shall be supplied directly to each occupiable space from an air handling unit through a fully ducted path or ducted to within 12 inches of the return air opening of a fan-powered terminal unit used to transfer the outdoor air to the occupiable space. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3.1.1. Ventilation rates for occupancies not represented in Table 403.3.1.1 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system, including transfer fan-powered terminal units shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3.1.1 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3.1.1 in accordance with accepted engineering practice.

EXCEPTION: Where occupancy density is known and documented in the plans, the outside air rate may be based on the design occupant density. Under no circumstance shall the occupancies used result in outside air less than one-half that resulting from application of Table 403.3.1.1 estimated maximum occupancy rates.

Table 403.3.1.1

REQUIRED OUTDOOR VENTILATION AIR

(The following categories in Table 403.3.1.1 have been modified. The remainder remain as printed in the 2018 International Mechanical Code)

Occupancy Classification	Occupant Density #/1000 ft ^{2a}	People Outdoor Airflow Rate in Breathing Zone R_p cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Exhaust Airflow Rate cfm/ft ^{2a}
Offices				
Conference rooms	50	5	0.06	—
Kitchenettes ^k	25	5	0.06	0.30
Office spaces	5	5	0.06	—
Reception areas	30	5	0.06	—
Telephone/data entry	60	5	0.06	—
Main entry lobbies	10	5	0.06	—
Private dwellings, single and multiple				
Garages, common for multiple units ^b	—	—	—	0.75 See Table 403.4.7

Occupancy Classification	Occupant Density #/1000 ft ^{2a}	People Outdoor Airflow Rate in Breathing Zone R_p cfm/Person	Area Outdoor Airflow Rate in Breathing Zone R_a cfm/ft ^{2a}	Exhaust Airflow Rate cfm/ft ^{2a}
Living areas ^c		See Table 403.4.2	—	—
Toilet rooms((:)) and bathrooms ((and laundry areas)) ^{g((,i))}	—	—	—	See Table 403.4.7
Public spaces				
Corridors serving other than Group R occupancies	—	—	0.06	—
Corridors serving Group R dwelling or sleeping units with whole house exhaust system	—	—	0.12	—
Corridors serving Group R dwelling or sleeping units with other than whole house exhaust system	—	—	0.06	—
Courtrooms	70	5	0.06	—
Elevator car	—	—	—	1
Elevator lobbies in parking garage	—	—	1.0	—
Legislative chambers	50	5	0.06	—
Libraries	10	5	0.12	—
Museums (children's)	40	7.5	0.12	—
Museums/galleries	40	7.5	0.06	—
Places of religious worship	120	5	0.06	—
Shower room (per showerhead) ^g	—	—	—	50/20 ^f
Smoking lounges ^b	70	60	—	—
Toilet rooms—Public ^g	—	—	—	50/70 ^c
Sports and amusement				
Disco/dance floors	100	20	0.06	—
Bowling alleys (seating areas)	40	10	0.12	—
Game arcades	20	7.5	0.18	—
Ice arenas, without combustion engines ^j	—	—	0.30	0.5
Gym, stadium, arena (play area) ^j	—	—	0.30	—
Spectator areas	150	7.5	0.06	—
Swimming pools (pool and deck area)	—	—	0.48	—
Health club/aerobics room	40	20	0.06	—
Health club/weight room	10	20	0.06	—
Storage				
Janitor closets, trash rooms, recycling rooms	—	—	—	1.0
Repair garages, enclosed parking garage ^{b, d}	—	—	—	0.75
Storage rooms, chemical	—	—	—	1.5
Warehouses	—	—	0.06	—
Workrooms				
Bank vaults/safe deposit	5	5	0.06	—
Darkrooms	—	—	—	1.0
Copy, printing rooms	4	5	0.06	0.5
Freezer and refrigerated spaces (<50°F)	0	10	0	0
Meat processing ^c	10	15	—	—
Pharmacy (prep. area)	10	5	0.18	—
Photo studios	10	5	0.12	—
Computer (without printing)	4	5	0.06	—

For SI: 1 cubic foot per minute = 0.0004719 m³/s, 1 ton = 908 kg, 1 cubic foot per minutes per square foot = 0.00508 m³/(s•m²), °C = [(°F) -32]/1.8, 1 square foot = 0.0929 m².

- a. Based upon *net occupiable floor area*.
- b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Item 3).
- c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.

- e. Rates are per water closet or urinal. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
- f. Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted only where the exhaust system is designed to operate continuously while occupied.
- g. Mechanical exhaust is required and recirculation from such spaces is prohibited except that recirculation shall be permitted where the resulting supply airstream consists of not more than 10 percent air recirculated from these spaces. Return air from such spaces only be permitted to be recirculated when returned to an energy recovery ventilation system complying with Section 514. Recirculation of air that is contained completely within such spaces shall not be prohibited (see Section 403.2.1, Items 2 and 4).
- h. For nail salons, each manicure and pedicure station shall be provided with a *source capture system* capable of exhausting not less than 50 cfm per station. Exhaust inlets shall be located in accordance with Section 502.20. Where one or more required source capture systems operate continuously during occupancy, the exhaust rate from such systems shall be permitted to be applied to the exhaust flow rate required by Table 403.3.1.1 for the nail salon.
- i. ~~((A laundry area within a kitchen or bathroom is not required to have local exhaust. For the laundry area to qualify as being within the kitchen, the laundry room door must open directly into the kitchen and not into an adjacent corridor. Where there are doors that separate the laundry area from the kitchen or bathroom the door shall be louvered.))~~ Reserved.
- j. When combustion equipment is intended to be used on the playing surface, additional dilution ventilation and/or source control shall be provided.
- k. Kitchenettes require exhaust when they contain a domestic cooking appliance range or oven that is installed in accordance with Table 507.2.1. Kitchenettes that only contain a microwave cooking appliance are not required to have exhaust. A kitchenette may not contain commercial cooking appliances that require Type I or Type II exhaust as these occupancies are required to be exhausted to the kitchen category in Table 403.3.1.1.

403.3.1.1.2.3 Multiple zone recirculating systems. For ventilation systems wherein one or more air handlers supply a mixture of outdoor air and recirculated air to more than one ventilation zone, the outdoor air intake flow (V_{ot}) shall be determined in accordance with Sections 403.3.1.1.2.3.1 through 403.3.1.1.2.3.4.

403.3.1.1.2.3.1 Uncorrected outdoor air intake. The uncorrected outdoor air intake flow (V_{ot}) shall be determined in accordance with Equation 4-5.

$$V_{ou} = D \sum_{all\ zones} (R_p \times P_z) + \sum_{all\ zones} (R_a \times A_z) \quad \text{(Equation 4-5)}$$

403.3.1.1.2.3.1.1 Occupant diversity. The occupant diversity ratio (D) shall be determined in accordance with Equation 4-6 to account for variations in population within the ventilation zones served by the system.

$$D = P_s / \sum_{all\ zones} P_z \quad \text{(Equation 4-6)}$$

where:

P_s = System population: The total population in the area served by the system.

EXCEPTION: Alternative methods to account for occupant diversity shall be permitted, provided the resulting V_{ou} value is no less than that determined using Equation 4-5.

403.3.1.1.2.3.1.2 Design system population. Design system population (P_s) shall equal the largest (peak) number of people expected to occupy all ventilation zones served by the ventilation system during use.

Note: Design system population is always equal to or less than the sum of design zone population for all zones in the area served by the system because all zones may or may not be simultaneously occupied at design population.

403.3.1.1.2.3.2 System ventilation efficiency. The system ventilation efficiency (E_v) shall be determined in accordance with Section 403.3.1.1.2.3.3 for the Simplified Procedure or Appendix A of ASHRAE 62.1 for the Alternative Procedure.

Note: These procedures also establish zone minimum primary air-flow rates for VAV systems.

403.3.1.1.2.3.3 Simplified procedure.

403.3.1.1.2.3.3.1 System ventilation efficiency. System ventilation efficiency (E_v) shall be determined in accordance with Equation 4-6a or 4-6b.

$$E_V = 0.88 \times D + 0.22 \text{ for } D < 0.60 \text{ (Equation 4-6a)}$$

$$E_V = 0.75 \text{ for } D \geq 0.60 \text{ (Equation 4-6b)}$$

403.3.1.1.2.3.3.2 Zone minimum primary airflow. For each zone, the minimum primary airflow (V_{pz-min}) shall be determined in accordance with Equation 4-7.

$$V_{pz-min} = V_{Oz} \times 1.5 \text{ (Equation 4-7)}$$

403.3.1.1.2.3.4 Outdoor air intake. The design outdoor air intake flow (V_{Ot}) shall be determined in accordance with Equation 4-8.

$$V_{Ot} = V_{Ou}/E_V \text{ (Equation 4-8)}$$

403.3.2 Group R-2, R-3 and R-4 occupancies. This section is not adopted. See Section 403.4.

403.3.2.1 Outdoor air for dwelling units. This section is not adopted.

403.3.2.2 Outdoor air for other spaces. This section is not adopted.

403.3.2.3 Local exhaust. This section is not adopted.

403.4 Group R whole house mechanical ventilation system. Each dwelling unit or sleeping unit shall be equipped with a whole house mechanical ventilation system that complies with Sections 403.4.1 through 403.4.6. Each dwelling unit or sleeping unit shall be equipped with local exhaust complying with Section 403.4.7. All occupied spaces, including public corridors, other than the Group R dwelling units and/or sleeping units, that support these Group R occupancies shall meet the ventilation requirement of natural ventilation requirements of Section 402 or the mechanical ventilation requirements of Sections 403.1 through 403.3.

403.4.1 System design. The whole house ventilation system shall consist of one or more supply fans, one or more exhaust fans, or an ERV/HRV with integral fans; and the associated ducts and controls. Local exhaust fans shall be permitted to serve as part of the whole house ventilation system when provided with the proper controls in accordance with Section 403.4.5. The systems shall be designed and installed to supply and exhaust the minimum outdoor airflow rates per Section 403.4.2 as corrected by the balanced and/or distributed whole house ventilation system coefficients in accordance with Section 403.4.3 where applicable.

Table 403.4.2
WHOLE HOUSE MECHANICAL VENTILATION AIRFLOW RATE
(CONTINUOUSLY OPERATING SYSTEMS)

Floor Area (ft ²)	Bedrooms ¹				
	1	2	3	4	>5
<500	30	30	35	45	50
500 - 1000	30	35	40	50	55
1001 - 1500	30	40	45	55	60
1501 - 2000	35	45	50	60	65
2001 - 2500	40	50	55	65	70
2501 - 3000	45	55	60	70	75
3001 - 3500	50	60	65	75	80
3501 - 4000	55	65	70	80	85
4001 - 4500	60	70	75	85	90
4501 - 5000	65	75	80	90	95

Floor Area (ft ²)	Bedrooms ¹				
	1	2	3	4	>5

¹ Minimum airflow (Q_r) is set at not less than 30 cfm for each dwelling units.

403.4.2 Whole house mechanical ventilation rates. The sleeping unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates minimum outdoor airflow rate shall be determined in accordance with the breathing zone ventilation rates requirements of Section 403.3.1.1.1.2 using Equation 4-2. The dwelling unit whole house mechanical ventilation minimum outdoor airflow rate shall be determined in accordance with Equation 4-10 or Table 403.4.2.

$$Q_r = 0.01 * A_{\text{floor}} + 7.5 * (N_{\text{br}} + 1) \quad \text{(Equation 4-10)}$$

where:

Q_r = Ventilation airflow rate, cubic feet per minute (cfm) but not less than 30 cfm for each dwelling unit.

A_{floor} = Conditioned floor area, square feet (ft²)

N_{br} = Number of bedrooms, not less than one.

Table 403.4.3
SYSTEM COEFFICIENT (C_{system})

System Type	Distributed	Not Distributed
Balanced	1.0	1.25
Not Balanced	1.25	1.5

403.4.3 Ventilation quality adjustment. The minimum whole house ventilation rate from Section 403.4.2 shall be adjusted by the system coefficient in Table 403.4.3 based on the system type not meeting the definition of a balanced whole house ventilation system and/or not meeting the definition of a distributed whole house ventilation system.

$$Q_v = Q_r * C_{\text{system}} \quad \text{(Equation 4-11)}$$

where:

Q_v = Quality-adjusted ventilation airflow rate in cubic feet per minute (cfm)

Q_r = Ventilation airflow rate, cubic feet per minute (cfm) from Equation 4-10 or Table 403.4.1

C_{system} = System coefficient from Table 403.4.3

403.4.4 Whole house ventilation residential occupancies. Residential dwelling and sleeping unit whole house ventilation systems shall meet the requirements of Sections 403.4.4.1 or 403.4.4.2 depending on the occupancy of the residential unit.

403.4.4.1 Whole house ventilation in Group R-2 occupancies. Residential dwelling and sleeping units in Group R-2 occupancies system shall include supply and exhaust fans and be a balanced whole house ventilation system in accordance with Section 403.4.6.3. The system shall include a heat or energy recovery ventilator with a sensible heat recovery effectiveness as prescribed in Section C403.3.6 of the *Washington State Energy Code*. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance

with Section 403.4. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

403.4.4.2 Whole house ventilation for other than Group R-2 occupancies. Residential dwelling and sleeping units in other than Group R-2 occupancies, including I-1 condition 2 occupancies, shall have a whole house mechanical ventilation system with supply and exhaust fans in accordance with Section 403.4.6.1, 403.4.6.2, 403.4.6.3, or 403.4.6.4. The whole house ventilation system shall operate continuously at the minimum ventilation rate determined in accordance with Section 403.4.2 unless configured with intermittent off controls in accordance with Section 403.4.6.5. The whole house supply fan shall provide ducted outdoor ventilation air to each habitable space within the residential unit.

403.4.5 Whole house ventilation controls.

1. The whole house ventilation system shall be controlled with manual switches, timers or other means that provide for automatic operation of the ventilation system that are readily accessible by the occupant;

2. Whole house mechanical ventilation system shall be provided with controls that enable manual override off of the system by the occupant during periods of poor outdoor air quality. Controls shall include permanent text or a symbol indicating their function. Recommended control permanent labeling to include text similar to the following: "Leave on unless outdoor air quality is very poor." Manual controls shall be provided with ready access for the occupant.

EXCEPTION: Central whole house mechanical systems with supply air and/or exhaust that serve more than one dwelling or sleep units are not required to have manual override off controls accessible to the occupant.

3. Whole house ventilation systems shall be configured to operate continuously except where intermittent off controls are provided in accordance with Section 403.4.6.5 and allowed by Section 403.4.4.2.

403.4.6 Whole house ventilation system component requirements. Whole house ventilation supply and exhaust fans specified in this section shall have a minimum efficacy as prescribed in the *Washington State Energy Code*. The fans shall be rated for sound at a maximum of 1.0 sone at design airflow and static pressure conditions. Design and installation of the system or equipment shall be carried out in accordance with manufacturer's installation instructions.

EXCEPTIONS: 1. Central supply or exhaust fans serving multiple residential units do not need to comply with the maximum fan sone requirements.
2. Interior joining spaces provided with a 30 cfm transfer fan or a 25 square foot permanent opening do not require supply ventilation air directly to the space. Transfer fans shall meet the sone rating above and have whole house ventilation controls in accordance with Section 403.4.5.

403.4.6.1 Exhaust fans. Exhaust fans required shall be ducted directly to the outside in accordance with Section 501.3. Exhaust air outlets shall be designed to limit the pressure difference to the outside to limiting the outlet free area maximum velocity to 500 feet per minute and equipped with backdraft dampers or motorized dampers in accordance with *Washington State Energy Code*. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Exhaust fans required in this section may be used to provide local ventilation. Exhaust fans that are designed for intermittent exhaust airflow rates higher than the continuous exhaust airflow rates in Table 403.4.2 shall be provided with occupancy sensors or humidity sensors to automatically override the fan to the high speed airflow rate. The exhaust

fans shall be tested and the testing results shall be submitted and posted in accordance with Section 403.4.6.7.

EXCEPTION: Central exhaust fans serving multiple residential units do not need to comply with the HVI testing requirements.

403.4.6.2 Supply fans. Supply fans used in meeting the requirements of this section shall supply outdoor air from intake openings in accordance with Sections 401.4 and 401.5. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 feet per minute and when designed for intermittent off operation shall be equipped with motorized dampers in accordance with the *Washington State Energy Code*. Supply fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920. Where outdoor air is provided to each habitable dwelling unit or sleeping unit by supply fan systems the outdoor air shall be filtered. The filter shall be provided with access for regular maintenance and replacement. The filter shall have a Minimum Efficiency Rating Value (MERV) of at least 8.

EXCEPTION: Central supply fans serving multiple residential units do not need to comply with the HVI testing requirements.

403.4.6.3 Balanced whole house ventilation system. A balanced whole house ventilation system shall include both supply and exhaust fans. The supply and exhaust fans shall have airflow that is within 10 percent of each other. The tested and balanced total mechanical exhaust airflow rate is within 10 percent or 5 cfm, whichever is greater, of the total mechanical supply airflow rate. The flow rate test results shall be submitted and posted in accordance with Section 403.4.6.7. The exhaust fan shall meet the requirements of Section 403.4.6.1. The supply fan shall meet the requirements of Section 403.4.6.2. For R-2 dwelling and sleeping units, the system is required to have balanced whole house ventilation but is not required to have distributed whole house ventilation where the not distributed system coefficient from Table 403.4.3 is utilized to correct the whole house mechanical ventilation rate. The system shall be design and balanced to meet the pressure equalization requirements of Section 501.4. Intermittent dryer exhaust, intermittent range hood exhaust, and intermittent toilet room exhaust airflow rates above the residential dwelling or sleeping unit minimum ventilation rate are exempt from the balanced airflow calculation.

403.4.6.4 Furnace integrated supply. Systems using space condition heating and/or cooling air handler fans for outdoor air supply air distribution are not permitted.

EXCEPTION: Air handler fans shall be permitted that have multi-speed or variable speed supply airflow control capability with a low speed operation not greater than 25 percent of the rated supply air flow capacity during ventilation only operation. Outdoor air intake openings must meet the provisions of Sections 401.4 and 401.5 and must include a motorized damper that is activated by the whole house ventilation system controller. Intake air openings shall be designed to limit the pressure difference to the outside to limiting the inlet free area maximum velocity to 500 ft per min. The motorized damper must be controlled to maintain the outdoor airflow intake airflow within 10 percent of the whole house mechanical exhaust airflow rate. The supply air handler shall provide supply air to each habitable space in the residential unit. The whole house ventilation system shall include exhaust fans in accordance with Section 403.4.6.1 to meet the pressure equalization requirements of Section 501.4. The flow rate for the outdoor air intake must be tested and verified at the minimum ventilation fan speed and the maximum heating or cooling fan speed. The results of the test shall be submitted and posted in accordance with Section 403.4.6.7.

403.4.6.5 Intermittent off operation. Whole house mechanical ventilation systems shall be provided with advanced controls that are configured to operate the system with intermittent off operation and shall operate for a least two hours in each four-hour segment. The whole house ventilation airflow rate determined in accordance with Section 403.4.2 as corrected by Section 403.4.3 shall be multiplied by the factor determined in accordance with Table 403.4.6.5.

Table 403.4.6.5

INTERMITTENT WHOLE HOUSE MECHANICAL VENTILATION RATE
FACTORS^{a, b}

Run-time Percentage in Each 4-hour Segment	50%	66%	75%	100%
Factor ^a	2	1.5	1.3	1.0

^a For ventilation system run-time values between those given, the factors are permitted to be determined by interpolation.

^b Extrapolation beyond the table is prohibited.

403.4.6.6 Testing. Whole house mechanical ventilation systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by Sections 403.4.2 and 403.4.3. Testing shall be performed according to the ventilation equipment manufacturer's instructions, or by using a flow hood, flow grid, or other airflow measuring device at the mechanical ventilation fan's inlet terminals, outlet terminals or grilles or in the connected ventilation ducts. Where required by the building official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official and shall be posted in the residential unit in accordance with Section 403.4.6.7.

403.4.6.7 Certificate. A permanent certificate shall be completed by the mechanical contractor, test and balance contractor or other approved party and posted on a wall in the space where the furnace is located, a utility room, or an approved location inside the building. When located on an electrical panel, the certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label, or other required labels. The certificate shall list the flow rate determined from the delivered airflow of the whole house mechanical ventilation system as installed and the type of mechanical whole house ventilation system used to comply with Section 403.4.3.

403.4.7 Local exhaust. Bathrooms, toilet rooms and kitchens shall include a local exhaust system. Such local exhaust systems shall have the capacity to exhaust the minimum airflow rate in accordance with Table 403.4.7 and Table 403.3.1.1, including notes. Fans required by this section shall be provided with controls that enable manual override or automatic occupancy sensor, humidity sensor or pollutant sensor controls. An "on/off" switch shall meet this requirement for manual controls. Manual fan controls shall be provided with ready access in the room served by the fan.

Table 403.4.7

MINIMUM EXHAUST RATES

Area to be exhausted	Exhaust Rate	
	Intermittent	Continuous
Kitchens	100 cfm	30 cfm
Bathrooms - Toilet rooms	50 cfm	20 cfm

403.4.7.1 Whole house exhaust controls. If the local exhaust fan is included in a whole house ventilation system in accordance with Sec-

tion 403.4.6, the exhaust fan shall be controlled to operate as specified in Section 403.4.5.

403.4.7.2 Local exhaust fans. Exhaust fans shall meet the following criteria.

1. Exhaust fans shall be tested and rated in accordance with HVI 915, HVI 916, and HVI 920.

EXCEPTION: Where a range hood or down draft exhaust fan is used for local exhaust for a kitchen, the device is not required to be rated per these standards.

2. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.4.7. The airflows required refer to the delivered airflow of the system as installed and tested using a flow hood, flow grid, or other airflow measurement device. Local exhaust systems shall be tested, balanced and verified to provide a flow rate not less than the minimum required by this section.

3. Design and installation of the system or equipment shall be carried out in accordance with manufacturers' installation instructions.

4. Fan airflow rating and duct system shall be designed and installed to deliver at least the exhaust airflow required by Table 403.4.3.

EXCEPTIONS: 1. An exhaust airflow rating at a pressure of 0.25 in. w.g. may be used, provided the duct sizing meets the prescriptive requirements of Table 403.4.7.2.
2. Where a range hood or down draft exhaust fan is used to satisfy the local ventilation requirements for kitchens, the range hood or down draft exhaust shall not be less than 100 cfm at 0.10 in. w.g.

Table 403.4.7.2

PRESCRIPTIVE EXHAUST DUCT SIZING

Fan Tested cfm at 0.25 inches w.g.	Minimum Flex Diameter	Maximum Length in Feet	Minimum Smooth Diameter	Maximum Length in Feet	Maximum Elbows ^a
50	4 inches	25	4 inches	70	3
50	5 inches	90	5 inches	100	3
50	6 inches	No Limit	6 inches	No Limit	3
80	4 inches ^b	NA	4 inches	20	3
80	5 inches	15	5 inches	100	3
80	6 inches	90	6 inches	No Limit	3
100	5 inches ^b	NA	5 inches	50	3
100	6 inches	45	6 inches	No Limit	3
125	6 inches	15	6 inches	No Limit	3
125	7 inches	70	7 inches	No Limit	3

a. For each additional elbow, subtract 10 feet from length.
b. Flex ducts of this diameter are not permitted with fans of this size.

[Statutory Authority: RCW 19.27.035 and 19.27.074. WSR 21-05-020, § 51-52-0403, filed 2/8/21, effective 3/11/21. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-03-041, § 51-52-0403, filed 1/8/20, effective 7/1/20; WSR 17-10-075, § 51-52-0403, filed 5/3/17, effective 6/3/17; WSR 16-01-148, § 51-52-0403, filed 12/21/15, effective 7/1/16. Statutory Authority: RCW 19.27.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-053, § 51-52-0403, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.031, 19.27.035, 19.27.074, and chapters 19.27 and 34.05 RCW. WSR 12-07-020, § 51-52-0403, filed 3/12/12, effective 4/12/12. Statutory Authority: RCW 19.27.190, 19.27.074, 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 10-03-099, § 51-52-0403, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. WSR

07-01-092, § 51-52-0403, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.020, 19.27.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 05-01-015, § 51-52-0403, filed 12/2/04, effective 7/1/05.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

AMENDATORY SECTION (Amending WSR 20-03-041, filed 1/8/20, effective 7/1/20)

WAC 51-52-0601 Section 601—General.

601.2 Air movement in egress elements. Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

EXCEPTIONS:

1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted provided that each such corridor is directly supplied with *outdoor air* at a rate greater than the rate of makeup air taken from the corridor.
2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.
3. Where located within tenant spaces of one thousand square feet (93 m²) or less in area, utilization of corridors for conveying return air is permitted.
4. Incidental air movement from pressurized rooms within health care facilities, provided that the corridor is not the primary source of supply or return to the room.
5. Where such air is part of an engineered smoke control system.
6. Air supplied to corridors serving residential occupancies shall not be considered as providing ventilation air to the dwelling units and sleeping units subject to the following:
 - 6.1 The air supplied to the corridor is one hundred percent outside air; and
 - 6.2 The units served by the corridor have conforming ventilation air independent of the air supplied to the corridor; and
 - 6.3 For other than high-rise buildings, the supply fan will automatically shut off upon activation of corridor smoke detectors installed in accordance with Section 606.2.4; or
 - 6.4 For high-rise buildings, the supply fan will automatically shut off upon activation of the smoke detectors required by *International Fire Code* Section 907.2.12.1 or upon receipt of another approved fire alarm signal. The supply fan is not required to be automatically shut off when used as part of an approved building stairwell or elevator hoistway pressurization system. Corridor smoke detectors shall be installed in accordance with Section 606.2.5.

~~((606.2.4 Corridors serving Group R occupancies in other than high-rise buildings. Corridors that serve Group R occupancies in other than high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors spaced in accordance with NFPA 72. The supply fan shall automatically shut off upon activation of the corridor smoke detectors.~~

EXCEPTION: Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

~~606.2.5 Corridors serving Group R occupancies in high-rise buildings. Corridors that serve Group R occupancies in high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors that are spaced in accordance with NFPA 72 and air supply inlets to the corridor shall be provided with smoke/fire dampers. The supply inlet smoke/fire dampers shall automatically close upon activation of the corridor smoke detectors.~~

EXCEPTIONS: 1. Corridor smoke detection is not required to close the supply inlet smoke/fire dampers when the smoke/fire dampers are used as part of an approved building stairwell or elevator hoistway pressurization smoke control system.
2. Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.)

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-03-041, § 51-52-0601, filed 1/8/20, effective 7/1/20; WSR 16-01-148, § 51-52-0601, filed 12/21/15, effective 7/1/16. Statutory Authority: RCW 19.27.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-053, § 51-52-0601, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.190, 19.27.074, 19.27.031 and chapters 19.27 and 34.05 RCW. WSR

10-03-099, § 51-52-0601, filed 1/20/10, effective 7/1/10. Statutory Authority: RCW 19.27.190, 19.27.020, and chapters 19.27 and 34.05 RCW. WSR 07-01-092, § 51-52-0601, filed 12/19/06, effective 7/1/07. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 04-01-104, § 51-52-0601, filed 12/17/03, effective 7/1/04.]

AMENDATORY SECTION (Amending WSR 16-01-148, filed 12/21/15, effective 7/1/16)

WAC 51-52-0606 Section 606—Smoke detection systems control.

606.2.1 Return air systems. Smoke detectors shall be installed in return air systems with a design capacity greater than 2,000 cfm (0.9 m³/s), in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances.

EXCEPTIONS: 1. Smoke detectors are not required in the return air system where all portions of the building served by the air distribution system are protected by area smoke detectors connected to a fire alarm system in accordance with the International Fire Code. The area smoke detection system shall comply with Section 606.4.
2. Smoke detectors are not required in the air system where all of the air is exhausted and not recirculated back to any portion of the building. Additionally, smoke detectors are not required in the supply system that provides the make-up air for the exhaust system.

606.2.2 Common supply and return air systems. Where multiple air-handling systems share common supply or return air ducts or plenums with a combined design capacity greater than 2,000 cfm (0.9 m³/s), the return air system shall be provided with smoke detectors in accordance with Section 606.2.1.

EXCEPTION: Individual smoke detectors shall not be required for each fan-powered terminal unit, provided that such units do not have an individual design capacity greater than 2,000 cfm (0.9 m³/s) and will be shut down by activation of one of the following:
1. Smoke detectors required by Sections 606.2.1 and 606.2.3.
2. An approved area smoke detector system located in the return air plenum serving such units.
3. An area smoke detector system as prescribed in the exception to Section 606.2.1.

In all cases, the smoke detectors shall comply with Sections 606.4 and 606.4.1.

The shut down of fan-powered terminal units may be performed by a building automation system upon activation of smoke detection as described in Section 606.2.2, Exception Items 1, 2, or 3. The building automation system is not required to be listed as a smoke control system and is not required to comply with UL (~~Standard 864: Standard for Control Units and Accessories for Fire Alarm Systems~~) 864.

606.2.4 Corridors serving Group R occupancies in other than high-rise buildings. Corridors that serve Group R occupancies in other than high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors spaced in accordance with NFPA 72. The supply fan shall automatically shut off upon activation of the corridor smoke detectors.

EXCEPTION: Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

606.2.5 Corridors serving Group R occupancies in high-rise buildings. Corridors that serve Group R occupancies in high-rise buildings and that are mechanically ventilated with supply air shall be equipped with smoke detectors that are spaced in accordance with NFPA 72 and air supply inlets to the corridor shall be provided with smoke/fire dampers. The supply inlet smoke/fire dampers shall automatically close upon activation of the corridor smoke detectors.

EXCEPTIONS: 1. Corridor smoke detection is not required to close the supply inlet smoke/fire dampers when the smoke/fire dampers are used as part of an approved building stairwell or elevator hoistway pressurization smoke control system.
 2. Corridor smoke detection is not required when air is returned back to the supply fan from the corridor and return air smoke detectors are installed in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances designed to automatically shut off the supply fan.

[Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 16-01-148, § 51-52-0606, filed 12/21/15, effective 7/1/16. Statutory Authority: RCW 19.27.190, 19.27.074, 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 10-03-099, § 51-52-0606, filed 1/20/10, effective 7/1/10.]

NEW SECTION

WAC 51-52-1101 Section 1101—Refrigeration, general.

1101.2 Factory-built equipment and appliances. *Listed and labeled* self-contained, factory-built *equipment* and appliances shall be tested in accordance with UL 207, 412, 471, 1995, or 60335-2-40. Such *equipment* and appliances are deemed to meet the design, manufacture and factory test requirements of this code if installed in accordance with their listing and the manufacturer's instructions.

1101.6 General. Refrigeration systems shall comply with the requirements of this code and, except as modified by this code, ASHRAE 15. Ammonia-refrigerating systems shall comply with this code and, except as modified by this code, ASHRAE 15, IIAR 2, IIAR 3, IIAR 4, and IIAR 25.

EXCEPTION: Systems utilizing A2L refrigerants complying with ASHRAE 15 are deemed to meet this code.

[]

AMENDATORY SECTION (Amending WSR 21-05-020, filed 2/8/21, effective 3/11/21)

WAC 51-52-1200 Chapter 12—Hydronic piping.

1209.5 Thermal barrier required. Radiant floor heating and snow melt systems shall be provided with a thermal barrier in accordance with Sections 1209.5.1 and 1209.5.2. Concrete slab-on-grade, asphalt and paver-system type pavements shall have a minimum of R-10 insulation installed under the area to be snow melted, or R-5 insulation shall be installed under and at the slab edges of the area to be snow melted. The insulation shall be located underneath the snow and ice melt hydronic piping or cable and along all edges of the pavement where the snow and ice melt system is installed in accordance with the snow and ice melt manufacturer's instructions. Insulation R-values for slab-on-grade and suspended floor insulation shall be in accordance with the Washington State Energy Code.

~~((1209.5.1 Slab-on-grade installation. Radiant piping utilized in slab-on-grade applications shall be provided with insulating materials installed beneath the piping as required by the Washington State Energy Code.))~~

1210.7.6 Expansion tanks. Shutoff valves shall be installed at connections to expansion tanks. A method of draining the expansion tank downstream of the shutoff valve shall be provided.

[Statutory Authority: RCW 19.27.035 and RCW 19.27.074. WSR 21-05-020, § 51-52-1200, filed 2/8/21, effective 3/11/21. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-03-041, § 51-52-1200, filed 1/8/20, effective 7/1/20; WSR 16-01-148, § 51-52-1200, filed 12/21/15, effective 7/1/16.]

AMENDATORY SECTION (Amending WSR 21-05-020, filed 2/8/21, effective 3/11/21)

WAC 51-52-1500 Chapter 15—Referenced standards. The following referenced standards are added to Chapter 15.

((~~ANSI
UL 60335-2-40~~))

ANCE

UL/CSA/ANCE 60335-2-40—2019 Household and Similar Electrical Appliances - Safety - Part 2-40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers 1101.2

ASHRAE

15-2019 Safety Standards for Refrigeration Systems 1101.6, 1105.8, 1108.1

34-2019 ((Safety standards for refrigeration systems and)) Designation and classification of refrigerants((-)) 202, 1102.2.1, 1103.1

62.2-2016 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings 403.4.11

CSA

UL/CSA/ANCE 60335-2-40—2019 Household and Similar Electrical Appliances - Safety - Part 2-40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers 1101.2

HVI address:

Home Ventilating Institute
1740 Dell Range Blvd., Suite H, PMB 450
Cheyenne, WY 82009

HVI 915-2015 Procedure for Loudness Testing of Residential Fan Products 403.4.6.1, 403.4.6.2, 403.4.7.2

HVI 916-2015 Air Flow Test Procedure. 403.4.6.1, 403.4.6.2, 403.4.7.2

HVI 920-2015 Product Performance Certification Procedure Including Verification and Challenge 403.4.6.1, 403.4.6.2, 403.4.7.2

UL

864-03 Control Units and Accessories for Fire Alarm Systems with revisions through December 2014. 606.2.2

UL/CSA/ANCE 60335-2-40—2019 Household and Similar Electrical Appliances - Safety - Part 2-40: Particular Requirements for Electrical Heat Pumps, Air Conditioners and Dehumidifiers. 1101.2

[Statutory Authority: RCW 19.27.035 and RCW 19.27.074. WSR 21-05-020, § 51-52-1500, filed 2/8/21, effective 3/11/21. Statutory Authority: RCW 19.27.031 and 19.27.074. WSR 20-03-041, § 51-52-1500, filed 1/8/20, effective 7/1/20; WSR 16-01-148, § 51-52-1500, filed 12/21/15, effective 7/1/16. Statutory Authority: RCW 19.27.031, 19.27.074 and chapters 19.27 and 34.05 RCW. WSR 13-04-053, § 51-52-1500, filed 2/1/13, effective 7/1/13. Statutory Authority: RCW 19.27.190, 19.27.074, 19.27.031 and chapters 19.27 and 34.05 RCW. WSR 10-03-099, § 51-52-1500, filed 1/20/10, effective 7/1/10.]

WSR 22-01-125

EXPEDITED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed December 13, 2021, 11:10 a.m.]

Title of Rule and Other Identifying Information: Repealing WAC 192-190-020 Are lump sum retirement payments deductible from my benefits (RCW 50.04.323)?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 192-190-020 provided clarity on how the department deducts lump sum retirement benefit payments from unemployment benefits according to RCW 50.04.323. RCW 50.04.323 was amended in the 2021 legislative session and lump sum retirement payments are no longer deducted from unemployment benefit payments. With this change, WAC 192-190-020 is no longer needed.

Reasons Supporting Proposal: In February of 2021, the legislature passed, and the governor signed, ESSB 5061 (chapter 2, Laws of 2021) which, among other things, amended RCW 50.04.323(3) and removed the deduction of lump sum pension or retirement benefit payments from an individual's weekly unemployment insurance benefit payment.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department. Under RCW 50.04.323(3), lump sum payments from certain retirement plans are not deducted from the weekly benefit amount.

Statute Being Implemented: RCW 50.04.323(3).

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

Name of Proponent: Employment security department, governmental.

Name of Agency Personnel Responsible for Drafting: Josh Dye, Olympia, 360-890-3472; Implementation and Enforcement: Julie Lord, Olympia, 360-890-9579.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule repeals WAC 192-190-020 which is no longer needed due to amendments to RCW 50.04.323(3) that removed the deduction of retirement lump sum payments from unemployment benefit payments.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Josh Dye, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, TTD [TDD] relay 711, AND RECEIVED BY February 23, 2022.

December 13, 2021

Dan Zeitlin

Employment System Policy Director

OTS-3514.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 192-190-020 Are lump sum retirement payments
deductible from my benefits (RCW
50.04.323)?

WSR 22-01-187
EXPEDITED RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed December 20, 2021, 12:26 p.m.]

Title of Rule and Other Identifying Information: WAC 388-71-0503
What definitions apply to WAC 388-71-0500 through WAC 388-71-05640?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is proposing to rephrase the order of definitions to put them in alphabetical order. The change does not alter the intent or context of the rule and will not affect any existing rules.

Reasons Supporting Proposal: The proposed changes are for house-keeping purposes only to correct the alphabetical order.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270, 74.39A.056, 74.39A.074.

Statute Being Implemented: RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270.

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

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stacy Graff, P.O. Box 45600, Olympia, WA 98504-5600, 360-742-2071.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The proposed rule only reorders the list of definitions to a correct alphabetical list.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coordinator, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, phone 360-664-6097, fax 360-664-6185, email DSHSRPAURulesCoordinator@dshs.wa.gov, AND RECEIVED BY 5:00 p.m. on February 22, 2022.

December 20, 2021
Katherine I. Vasquez
Rules Coordinator

SHS-4907.1

AMENDATORY SECTION (Amending WSR 21-18-081, filed 8/30/21, effective 10/1/21)

WAC 388-71-0503 What definitions apply to WAC 388-71-0500 through WAC 388-71-05640? "Agency provider" means a long-term care worker who works for a home care agency.

"Area agencies on aging (AAA)" means a contracted entity that aging and long-term support administration (AL TSA) grants funds to in order to carry out the functions of the Older Americans Act, general-fund state programs and to provide case management services and supports to individuals eighteen and older who receive medicaid-funded LTC in their own homes.

"Applicant" means a person who is in the process of becoming an in-home long-term care worker.

(~~"Negative actions" are listed in WAC 388-113-0030.~~)

"Background check" means a name and date of birth check or a fingerprint-based background check, or both.

"Background check result" is defined in WAC 388-113-0010.

"Background check central unit (BCCU)" means the DSHS entity responsible for conducting background checks for the department.

"Character, competence, and suitability determination (CC&S)" is defined in WAC 388-113-0050.

"Client" means an individual receiving medicaid-funded in-home long term services from the department.

"Department" means the department of social and health services or its designees.

"Family member" includes, but is not limited to a parent, child, sibling, aunt, uncle, niece, nephew, cousin, grandparent, grandchild, grandniece, grandnephew, or such relatives when related by marriage.

"Fingerprint-based background check" means a search of in-state criminal history records through the Washington state patrol and national criminal history records through the Federal Bureau of Investigation.

"Home care agency (HCA)" means an entity that is licensed by the department of health to provide home care services through a contract arrangement with the department to clients in places of permanent or temporary residence.

"Home care agency long-term care worker" means a long-term care worker who works for a home care agency.

"Individual provider (IP)" as defined in RCW 74.39A.240 limited to individual providers contracted with the department.

"Long-term care worker" as defined in RCW 74.39A.009(17) but limited to individual providers contracted with the department or hired by the home care agency.

"Name and date of birth check" is a search conducted by the background check central unit (BCCU) of Washington state criminal history and negative action records using the applicant's name and date of birth.

"Negative actions" are listed in WAC 388-113-0030.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270, 74.39A.056, 74.39A.074, 43.20A.710, 74.39A.525, 43.43.842, 74.39A.326, 74.39A.515, 74.39A.505, 18.88B.021, 43.43.837 and 2018 c 278. WSR 21-18-081, § 388-71-0503, filed 8/30/21, effective 10/1/21.]

WSR 22-01-214

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed December 22, 2021, 8:20 a.m.]

Title of Rule and Other Identifying Information: WAC 458-20-261 Commute trip reduction incentives.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is amending WAC 458-20-261 to incorporate 2021 legislation SHB 1514 and its new statutory requirements for certain commute trip reduction incentives.

Reasons Supporting Proposal: The rule is being updated to implement new statutorily required terms relating to various commute trip reduction tax incentives including preferences for business and occupation tax, public utility tax, retail sales tax, and use tax.

Statutory Authority for Adoption: RCW 82.01.060.

Statute Being Implemented: RCW 46.74.010, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015, and 82.70.010.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Darius Massoudi, 6400 Linderson Way S.W., Tumwater, WA, 360-534-1572; Implementation and Enforcement: John Ryser, 6400 Linderson Way S.W., Tumwater, WA 360-534-1605.

This notice meets the following criteria to use the expedited adoption process for these rules:

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

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The expedited rule-making process is appropriate for these rule updates because the department is incorporating changes resulting from 2021 legislation.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Darius Mas-soudi, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1572, fax 360-534-1606, email dariusm@dor.wa.gov, AND RECEIVED BY February 22, 2022.

December 22, 2021
Atif Aziz
Rules Coordinator

OTS-3537.1

AMENDATORY SECTION (Amending WSR 20-22-093, filed 11/3/20, effective 12/4/20)

WAC 458-20-261 Commute trip reduction incentives. (1) **Introduction.** This rule explains the various commute trip reduction incentives (~~(that are available)~~). RCW 82.04.355 and 82.16.047 (~~(provide exemptions)~~) exempt amounts received from providing ride sharing, or ride sharing for persons with special transportation needs, from business and occupation (B&O) tax and public utility tax (PUT) (~~(on amounts received from providing commuter ride sharing and ride sharing for persons with special transportation needs)~~). RCW 82.08.0287 and 82.12.0282 provide sales and use tax exemptions for sales or use of passenger motor vehicles as (~~(ride-sharing)~~) ride sharing vehicles. Finally, chapter 82.70 RCW provides commute trip reduction incentives in the form of B&O tax or PUT credits in connection with ride sharing, public transportation, car sharing, and nonmotorized commuting.

(2) **Definitions.** For the purposes of this rule, the following definitions apply:

(a) **"Car sharing"** means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis. RCW 82.70.010.

(b) **"Nonmotorized commuting"** means commuting to and from the workplace by an employee, by walking or running, or by riding a bicycle or other device not powered by a motor. "Nonmotorized commuting" does not include teleworking, which is a program where work functions normally performed at a traditional workplace are instead performed by an employee at his or her home, at least one day a week for the purpose of reducing the number of trips to the employee's workplace. RCW 82.70.010.

(c) **"Public transportation"** means the transportation of packages, passengers, and their incidental baggage, by means other than by charter bus or sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems. "Public transportation" includes passenger services of the Washington state ferries and passenger-only ferry services for those public transportation benefit areas eligible to provide passenger-only ferry service under RCW 36.57A.200. RCW 82.70.010.

(d) (i) **"Ride sharing"** means a carpool or vanpool arrangement whereby one or more groups not exceeding 15 persons each, including the drivers, and not fewer than three persons, including the drivers, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding 10,000 pounds. RCW 46.74.010(2). See subsection (4)(b) of this rule for increased minimum group size requirements in some circumstances. "Ride sharing" includes ride sharing on Washington state ferries. RCW 82.70.010(6).

(ii) Ride sharing does not include transportation provided in the normal course of business by entities subject to chapters 46.72A (limousines), 48.177 (commercial transportation services), 81.66 (private, nonprofit transportation providers that receive compensation for transporting persons with special transportation needs), 81.68 (auto transportation companies), 81.70 (passenger charter and excursion carriers), and 81.72 (taxicabs) RCW, or offer peer-to-peer car sharing.

"Peer-to-peer car sharing" means motor vehicle owners making their motor vehicles available for persons to rent for short periods of time.

(e) "Ride sharing for persons with special transportation needs" means an arrangement, whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, in a passenger motor vehicle as defined by the department of licensing to include small buses, cutaways, and modified vans not more than 28 feet long. The driver need not be a person with special transportation needs. RCW 46.74.010.

(i) "Private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs. RCW 81.66.010.

(ii) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase appropriate transportation. RCW 81.66.010.

(3) B&O tax and PUT exemptions for providing ((commuter)) ride sharing or ride sharing for persons with special transportation needs. RCW 82.04.355 and 82.16.047 provide B&O tax and PUT exemptions for amounts received in the course of ((commuter)) ride sharing or ride sharing for persons with special transportation needs.

((a) What is "commuter ride sharing"? "Commuter ride sharing" means a carpool or vanpool arrangement, whereby one or more fixed groups:

(i) Not exceeding fifteen persons each, including the drivers; and

(ii) Either:

(A) Not fewer than five persons, including the drivers; or

(B) Not fewer than four persons, including the drivers, where at least two of those persons are confined to wheelchairs when riding; are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding any special rider equipment. The transportation must be between their places of residence or near such places of residence, and their places of employment or educational or other institutions. Each group must be in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institutions. RCW 46.74.010.

(b) What is "ride sharing for persons with special transportation needs"? "Ride sharing for persons with special transportation needs" means an arrangement, whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, in a passenger motor vehicle as defined by the department of licensing to include small buses, cutaways, and modified vans not more than twenty-eight feet long. The driver need not be a person with special transportation needs. RCW 46.74.010.

(i) What is a "private, nonprofit transportation provider"? A "private, nonprofit transportation provider" is any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs. RCW 81.66.010.

(ii) Who are "persons with special transportation needs"? "Persons with special transportation needs" are those persons, including their personal attendants, who because of physical or mental disabili-

ty, income status, or age, are unable to transport themselves or to purchase appropriate transportation. RCW 81.66.010.

~~(3))~~ **(4) Retail sales tax and use tax exemptions on sales or use of passenger motor vehicles as ((ride-sharing)) ride sharing vehicles.** RCW 82.08.0287 and 82.12.0282 provide retail sales tax and use tax exemptions for sales and use of passenger motor vehicles as ride-sharing vehicles. The following conditions apply to qualify for these exemptions:

(a) ~~((What are the requirements? To qualify for these exemptions,))~~ **Minimum duration of usage.** The passenger motor vehicles must be used ~~((+~~

~~(i))~~ primarily for ~~((commuter))~~ ride sharing or ride sharing for persons with special transportation needs ~~((; and~~

~~(ii) As ride-sharing vehicles for thirty-six))~~ for 36 consecutive months beginning from the date of purchase (retail sales tax exemption) and the date of first use (use tax exemption). If the vehicle is used as a ~~((ride-sharing))~~ ride sharing vehicle for less than ~~((thirty-six))~~ 36 consecutive months, the registered owner must pay the retail sales tax or use tax.

(b) ~~((Additional requirements in certain cases.))~~ **Increased passenger requirements for vehicles not operated by a public transportation agency.** If a vehicle is not operated by a public transportation agency, the minimum group size is increased from three persons each to five persons each including the driver. RCW 82.08.0287 (2) (b) and 82.12.0282 (2) (b).

(c) **Qualifying jurisdictions.** Vehicles ~~((used primarily for commuter ride sharing))~~ must be operated within:

(i) A county, or a city or town within that county, which has a commute trip reduction plan under chapter 70A.94 RCW ~~((in order to be exempt from retail sales tax or use tax. In addition, for the exemptions to apply, at least one of the following conditions must apply:~~

~~(i) The vehicle is)); or~~

~~(ii) In other counties, where the vehicle is registered with, or operated by, a public transportation agency.~~

(d) **Ownership and operation.** The vehicle must be:

(i) Operated by a public transportation agency for the benefit of the general public;

(ii) ~~((The vehicle is))~~ Used by a major employer, as defined in RCW ~~((70A.94.524))~~ 70A.15.4010, as an element of its commute trip reduction program for their employees; or

(iii) ~~((The vehicle is))~~ Owned and operated by individual employees and ~~((must be))~~ registered either with the employer as part of its commute trip reduction program or with a public transportation agency ~~((serving the area where the employees live or work.~~

~~Individual employee)).~~

(e) **Certification.**

(i) Individual employee owned and operated motor vehicles require certification that the vehicle is registered with a major employer or a public transportation agency ~~((; and~~

~~(ii) Major employers who own and operate motor vehicles for their employees must certify that the commute ((ride-sharing))~~ ride sharing arrangement conforms to a carpool or vanpool element contained within their commute trip reduction program.

~~((4))~~ **(5) B&O tax or PUT credit for ride sharing, public transportation, car sharing, or nonmotorized commuting.** RCW 82.70.020 provides a credit against B&O tax or PUT liability for amounts paid to or on behalf of employees for ride sharing ~~((in vehicles carrying two or~~

more persons)), for using public transportation, for using car sharing, or for using nonmotorized commuting. The credit is equal to the amount paid to or on behalf of each employee multiplied by ~~((fifty))~~ 50 percent, but may not exceed ~~((sixty dollars))~~ \$60 per employee per fiscal year. No refunds will be granted for unused credits.

(a) **Who is eligible for this credit?**

(i) Employers in Washington are eligible for this credit, for amounts paid to or on behalf of their own or other employees, as financial incentives to such employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(ii) Property managers who manage worksites in Washington are eligible for this credit, for amounts paid to or on behalf of persons employed at those worksites, as financial incentives to such persons for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting.

(b) ~~((What is "ride sharing"? "Ride sharing" means a carpool or vanpool arrangement, whereby a group of at least two but not exceeding fifteen persons, including the driver, is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding any special rider equipment. The transportation must be between their places of residence or near such places of residence, and their places of employment or educational or other institutions. The driver must also be on the way to or from his or her place of employment or educational or other institution. "Ride sharing" includes ride sharing on Washington state ferries. RCW 82.70.010.~~

~~((c) What is "public transportation"? "Public transportation" means the transportation of packages, passengers, and their incidental baggage, by means other than by charter bus or sight-seeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people moving systems. "Public transportation" includes passenger services of the Washington state ferries. RCW 82.70.010.~~

~~((d) What is "car sharing"? "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis. RCW 82.70.010.~~

~~((e) What is "nonmotorized commuting"? "Nonmotorized commuting" means commuting to and from the workplace by an employee, by walking or running or by riding a bicycle or other device not powered by a motor. "Nonmotorized commuting" does not include teleworking, which is a program where work functions normally performed at a traditional workplace are instead performed by an employee at his or her home, at least one day a week for the purpose of reducing the number of trips to the employee's workplace. RCW 82.70.010.~~

~~((f)) What is the credit amount? The amount of the credit is equal to the amount paid to or on behalf of each employee multiplied by ~~((fifty))~~ 50 percent, but may not exceed ~~((sixty dollars))~~ \$60 per employee per fiscal year. RCW 82.70.020.~~

~~((g)) (c) What is a "fiscal year"? A "fiscal year" begins ((at)) on July 1st of one year and ends on June 30th of the following year.~~

~~((h)) (d) When will the credit expire? The credit program is scheduled to expire July 1, 2024. No credit may be claimed after June 30, 2024.~~

~~((i)) (e) What are the limitations of the credit?~~

(i) The credit may not exceed the amount of B&O tax or PUT that would otherwise be due for the same fiscal year.

(ii) A person may not receive credit for amounts paid to or on behalf of the same employee under both B&O tax and PUT.

(iii) A person may not take a credit for amounts claimed for credit by other persons.

(iv) The total credit granted to a person under both B&O tax and PUT may not exceed (~~one hundred thousand dollars~~) \$100,000 for a fiscal year.

(v) The total credit granted to all persons under both B&O tax and PUT may not exceed (~~two million seven hundred fifty thousand dollars~~) \$2,750,000 in any fiscal year.

(vi) No credit or portion of a credit denied, because of exceeding the limitations in (i), (iv), or (v) of this subsection, may be used against tax liability for other fiscal years.

(vii) No person is eligible for tax credits under RCW 82.70.020 if the additional revenues for the multimodal transportation account (RCW 47.66.070) created by chapter 361, Laws of 2003 are terminated.

~~((j))~~ **(f) What are the credit procedures?**

(i) Persons applying for the credit must complete the commute trip reduction credit annual application. The application must be electronically filed and received by the department between January 1st and January 31st, following the calendar year in which the applicant made incentive payments. The commute trip reduction credit annual application is available through the business's "My DOR" account on the department's website at dor.wa.gov.

(ii) The department must (~~make a determination on an~~) approve or deny a completed application within (~~sixty~~) 60 days of the January 31st deadline. The department must (~~disapprove~~) deny an application not received by the January 31st deadline, except (~~that~~) the department may accept applications received up to (~~fifteen~~) 15 calendar days after the deadline if the application was not received because of circumstances beyond the control of the taxpayer. For what is considered circumstances beyond the control of a taxpayer, see WAC 458-20-228 Returns, payments, penalties, extensions, interest, stays of collection. Once the application is approved and the tax credit is granted, the department is not allowed to increase the credit.

(iii) If the total amount of credit applied for by all approved applicants in a fiscal year exceeds the limitation as provided in (i)(v) of this subsection, the amount of credit allowed for all applicants must be proportionally reduced so as not to exceed the limit. The amount reduced may not be carried forward and claimed in subsequent fiscal years.

(iv) To claim a commute trip reduction tax credit, a person must file all returns, forms, and other information the department requires in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format is not filed until received by the department in an electronic format. (~~For the purpose of this subsection,~~) "Returns" has the same meaning as "return" in RCW 82.32.050.

~~((k))~~ **(g) Examples.** The following examples identify (~~a number of~~) facts and then state a conclusion. These examples should be used only as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(i) **Example 1.** An employer pays (~~one hundred eighty dollars~~) \$180 for a yearly bus pass for one employee. For another employee, the employer buys a bicycle helmet and bicycle lock for a total of (~~fifty~~

dollars)) ~~\$50.~~ ~~((These are))~~ The sum of these two amounts, \$230, is the total expenditure ~~((s))~~ during a fiscal year of amounts paid to, or on behalf of, employees in support of ride sharing, using public transportation, using car sharing, and using nonmotorized commuting. The employer may claim a credit of ~~((sixty dollars))~~ \$60 for the amount spent for the employee using the bus pass. Fifty percent of ~~((one hundred eighty dollars is ninety dollars))~~ \$180 is \$90, but the credit is limited to ~~((sixty dollars))~~ \$60 per employee. The employer may claim a credit of ~~((twenty-five dollars (fifty percent of fifty dollars))~~ \$25 (50 percent of \$50) for the amount spent for the employee who bicycles to work. Even though ~~((fifty))~~ 50 percent of ~~((two hundred thirty dollars,))~~ \$230 (the total amount spent on both employees), works out to be less than ~~((sixty dollars))~~ \$60 per employee, the credit is computed by looking at actual spending for each employee and not by averaging the spending for both employees.

(ii) **Example 2.** An employer provides parking spaces for the exclusive use of ~~((ride-sharing))~~ ride sharing vehicles. Amounts spent for signs, painting, or other costs related to the parking spaces do not qualify for the credit. This is because the credit is for financial incentives paid to or on behalf of employees. While the parking spaces support the use of ~~((ride-sharing))~~ ride sharing vehicles, they are not financial incentives and do not involve amounts paid to or on behalf of employees.

(iii) ~~((Example 3. As part of its commute trip reduction program, an employer pays the cab fare for an employee who has an emergency and must leave the workplace but has no vehicle available because he or she commutes by ride-sharing vehicle. The cab fare qualifies for the credit but is subject to the maximum credit limit of sixty dollars per employee.~~

~~((iv))~~ **Example ((4)) 3.** An employer pays the property manager for a yearly bus pass for one employee who works at the worksite managed by the property manager. The property manager in turn pays the amount received from the employer to a public transportation agency to purchase the bus pass. Either the employer or the property manager, but not both, may take the credit for this expenditure.

[Statutory Authority: RCW 82.32.300 and 82.01.060. WSR 20-22-093, § 458-20-261, filed 11/3/20, effective 12/4/20. Statutory Authority: RCW 82.32.300, 82.01.060(2), 82.70.020, 82.70.025, 82.70.040, and 82.70.900. WSR 16-04-035, § 458-20-261, filed 1/26/16, effective 2/26/16. Statutory Authority: RCW 82.32.300, 82.01.060(2), 82.70.020, 82.70.040, 82.70.900, 82.44.015, 82.08.0287, and 82.12.0282. WSR 15-03-019, § 458-20-261, filed 1/8/15, effective 2/8/15. Statutory Authority: RCW 82.32.300, 82.01.060(2), 82.70.020 and 82.70.040. WSR 14-13-096, § 458-20-261, filed 6/17/14, effective 7/18/14. Statutory Authority: RCW 82.32.300 and 82.01.060(2). WSR 06-01-026, § 458-20-261, filed 12/13/05, effective 1/13/06. Statutory Authority: RCW 82.32.300, 82.04.4453 and 82.16.048. WSR 00-11-097, § 458-20-261, filed 5/17/00, effective 6/17/00; WSR 99-08-035, § 458-20-261, filed 3/31/99, effective 5/1/99.]