

WSR 22-20-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Dental Quality Assurance Commission)
[Filed September 22, 2022, 9:50 a.m.]

Subject of Possible Rule Making: WAC 246-817-905 Exclusions. The dental quality assurance commission (commission) is considering adding residential habilitation centers (RHCs) to the list of opioid-prescribing exclusions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.32.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On March 1, 2022, the commission received a rule-making petition requesting adding RHCs to the list of exclusions for the opioid prescribing rules. The Washington medical commission recently completed rule amendments to exempt patients in RHCs to allow physicians and physician assistants in these facilities to continue the patient's pain medications without having to perform a history and physical or wait for the history and physical to be completed on the patient. The commission is considering adding similar rule language to the exclusions section of the opioid prescribing provisions for dentists to encourage cross-profession cohesion and improve public safety.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 711, email amber.freeberg@doh.wa.gov, website doh.wa.gov/dental, dental@doh.wa.gov.

Additional comments: Interested parties may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

September 22, 2022
Trina Crawford
Executive Director

WSR 22-20-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 22, 2022, 12:32 p.m.]

Subject of Possible Rule Making: New WAC 246-847-991 Occupational therapy compact (compact) fees and renewal cycle. The department of health (department) is considering establishing a new section of rule to implement SB 5518, which creates a new interstate compact for occupational therapy and gives member states the discretion to charge a fee for granting compact privileges. The department is considering adopting rules to specify the fees, as well as to ensure clarity and consistency of fees that are standard across all professions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, 43.70.280; and SB 5518 (chapter 152, Laws of 2022).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5518 creates a new interstate compact for occupational therapy practitioners and gives member states the discretion to charge a fee for granting compact privileges. RCW 43.70.250 requires that the costs of licensing each profession be fully borne by the members of that profession. Establishing fees in rule may be needed to ensure the department is in line with RCW 43.70.250. Fees need to be sufficient to cover the costs of licensing the profession. The department may also consider rules to ensure clarity and consistency of fees that are standard across professions.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Weed, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4883, TTY 711, email kathy.weed@doh.wa.gov, website HSQAfeerules@doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: The department will use the existing GovDelivery list to inform stakeholders of opportunities to provide input on proposed rule language. Interested parties can join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

September 22, 2022
Todd Mountin, PMP
Deputy Secretary of Operations
for Umair A. Shah, MD, MPH
Secretary

**WSR 22-20-030
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed September 26, 2022, 9:38 a.m.]

This memo serves as notice that the chiropractic quality assurance commission (commission) is withdrawing the CR-101 for WAC 246-808-XXX Independent chiropractic examinations (ICE). The commission was considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews, which were filed October 16, 2015, and published as WSR 15-21-047.

The commission is withdrawing this CR-101 because the commission has reprioritized their rule-making activities. The commission intends to refile a CR-101 related to this topic at a time during which the commission intends to begin work on this subject.

Individuals requiring information on this rule should contact Betty J. Moe, regulatory analyst, at 360-236-2868 or email Betty.Moe@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

**WSR 22-20-037
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 26, 2022, 4:12 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 14-09-116 on April 23, 2014 (WAC 388-14A-3310 through 388-14A-3330), regarding establishing and enforcing one parent's obligation for uninsured medical expenses incurred by the other parent in division of child support cases.

Katherine I. Vasquez
Rules Coordinator

WSR 22-20-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 22-05—Filed September 27, 2022, 8:27 a.m.]

Subject of Possible Rule Making: The Washington state department of ecology is considering revising chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. We are considering amendments to:

- WAC 173-201A-200 (1)(c), aquatic life temperature criteria, including, but not limited to, subsection (i).
- WAC 173-201A-200 (1)(d), aquatic life dissolved oxygen (D.O.) criteria, including, but not limited to, subsection (i).
- WAC 173-201A-210 (1)(c), aquatic life temperature criteria, including, but not limited to, subsection (i).
- WAC 173-201A-210 (1)(d), aquatic life dissolved oxygen (D.O.), including, but not limited to, criteria subsection (i).
- WAC 173-201A-260(1), natural and irreversible human conditions.
- WAC 173-201A-310(3), Tier I - Protection and maintenance of existing and designed uses.

We may amend other sections of chapter 173-201A WAC as necessary to be consistent with, or provide support to, any revisions to the sections noted above.

We are considering revisions to several natural conditions provisions in our surface water quality standards. Natural conditions provisions recognize that conditions in some surface waters during some seasons and in some areas naturally do not meet water quality criteria. For example, a naturally low-flowing stream in a natural prairie without any human alteration may have seasonally higher temperatures than the limit set to protect fish. These inconsistencies may be due to natural processes or seasonal conditions that prevent a waterbody from meeting the applicable aquatic life criteria. Our goal is to refine the natural conditions criteria to protect characteristics inherent and unique to a specific water.

We will evaluate the latest scientific data, methods, modeling tools, and approaches to update natural conditions provisions necessary for refining aquatic life protection in Washington's surface waters. As part of this process, we will consider the Environmental Protection Agency's (EPA) recommended approaches for natural conditions in water quality standards. One example is a performance-based approach, which would adopt into rule a sufficiently detailed process that ensures predictable, repeatable outcomes that could be used to develop criteria that would protect the designated uses for a specific waterbody.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035, water pollution control, rule-making authority; and 40 C.F.R. 131.20 Water Quality Standards - State review and revision of water quality standards, requires states and tribes (with primacy for clean water actions) to periodically review and update the water quality standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: **A. Reason for Rule Making:** We are considering these revisions to address EPA's 2021 disapproval of previously approved natural condition provisions in our standards, including for fresh and marine dissolved oxygen and temperature (excluding lakes).

It is important that we have a provision in the water quality standards recognizing that conditions in some surface waters naturally do not meet water quality criteria at all times throughout the year. Nearly all states have some provision of this kind. Washington needs natural conditions provisions to effectively implement our Clean Water Act programs.

We identified a natural conditions rule making as a priority in our most recent triennial review, which was submitted to EPA in April 2022.

B. Approach to Rule Making: We plan to conduct a single rule making to revise our natural conditions criteria. We will engage with stakeholders, tribes, and other interested parties as we develop the full scope of procedures for natural conditions provisions. These may include general provisions, procedures for determining what conditions are natural to surface waters, and some parameter-specific considerations (such as temperature) or surface water type (such as rivers or streams).

In this rule making, we will consider all the latest scientific data, methods, modeling tools, and natural condition criteria approaches. Further, we will evaluate previous natural conditions criteria approaches in Washington and other states, as well as previous EPA policies and decisions regarding natural conditions (such as a performance-based approach). We plan to work with EPA and other federal agencies responsible for reviewing biological impacts of a rule to anticipate whether proposed rule language will meet Endangered Species Act protection requirements.

C. Rule-making Scope: The scope of this rule making includes the natural conditions provisions and parameter-specific natural condition criteria in all surface water types.

This work is specific to the aquatic life criteria and how native aquatic species have acclimated or adapted to their environment, even if that environment does not naturally meet our state's aquatic life criteria. The natural conditions provisions are not related to any of the human health criteria in our state.

We will evaluate EPA recommendations during this rule making and determine whether to adopt them.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will work with tribes to discuss, and seek input on, rule-making activities. Other coordinating federal and state agencies include the United States EPA, National Oceanic and Atmospheric Administration, and the United States Fish and Wildlife Service.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marla Koberstein, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-628-6376, Washington relay service or TTY 711 or 877-833-6341, email marla.koberstein@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-201A-Natural-Conditions>. Sign up to receive email notices https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_61.

Additional comments: Interested parties can stay informed about the rule-making and public involvement opportunities as described

above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

September 27, 2022
Vincent McGowan, PE
Water Quality Program Manager

WSR 22-20-043
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed September 28, 2022, 9:21 a.m.]

Subject of Possible Rule Making: WAC 363-116-0751 Qualifications for pilot applicants and 363-116-076 Examination for pilot applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board plans to administer a marine pilot exam in the spring of 2024. Prior to the exam, the board will be reviewing and updating, as needed, rules concerning the exam process to better reflect agency practices, goals, and values, as well as conduct other minor housekeeping of the language to increase clarity to pilot aspirants and applicants.

Process for Developing New Rule: The board will be considering recommendations from the trainee evaluation committee and/or exam committee and will be discussing them at regular public board meetings. Stakeholder comments are encouraged and welcome. Upon further review and consideration of recommended revisions, a public hearing will be scheduled to consider the proposed new rules pursuant to the formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie C. Bever, Executive Director, 2901 3rd Avenue, Suite 500, Seattle, WA 98121, phone 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.gov, website www.pilotage.wa.gov.

September 28, 2022
Jaimie C. Bever
Executive Director

**WSR 22-20-054
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed September 28, 2022, 5:04 p.m.]

This memo serves as notice that the department of health (department), board of massage (board) is withdrawing the CR-101 for WAC 246-830-005, 246-830-037, and 246-830-430, massage therapists. The department, in coordination with the board, filed this CR-101 to examine and consider revising sections of the massage therapist rules related to massage education and training transfer programs. The CR-101 was filed March 29, 2022, and published in WSR 22-08-033.

The department and board is withdrawing this CR-101 because review of the assistant attorney general's equity analysis of the existing massage therapist transfer programs' rule revealed that no inequities exist. The board agreed that no inequities exist in the rule as written and voted to not proceed with rule making at its September 23, 2022, regular meeting.

Individuals requiring information on this rule should contact Megan Maxey, at 360-236-4945 or email Megan.Maxey@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-20-059
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 29, 2022, 12:17 p.m.]

Subject of Possible Rule Making: WAC 182-538D-0262 Behavioral health administrative service organizations and managed care organizations—Behavioral health ombuds office; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is repealing WAC 182-538D-0262, which requires behavioral health administrative agencies to maintain a behavioral health ombuds office for medicaid managed care enrollees. This service will be replaced by a new statewide ombuds program established under chapter 71.40 RCW, which takes effect October 1, 2022. During the course of this review, the health care authority (HCA) may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCA and department of commerce staff held meetings to discuss the timing of and general content for new behavioral health ombuds rules.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Annette Schuffenhauer, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1254, fax 360-586-9727, TRS 711, email Annette.schuffenhauer@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 29, 2022
Wendy Barcus
Rules Coordinator

WSR 22-20-067

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed September 30, 2022, 8:48 a.m.]

Subject of Possible Rule Making: WAC 246-803-990, 246-809-990, 246-810-990, 246-815-990, 246-817-990, 246-817-99005, 246-828-990, 246-845-990, 246-915-990, 246-915-99005, 246-930-990, and 246-980-990, fees amendments are being considered by the department of health (department) for the following professions: Acupuncturist or acupuncture and Eastern medicine practitioner, licensed mental health counselor, licensed advanced social worker and licensed independent clinical social worker, certified counselor, certified adviser, registered agency affiliated counselor (excluding interns), dental hygienist, dentist, registered dental assistant, certified dental anesthesia assistant, licensed expanded function dental auxiliary, audiologist, speech-language pathologist, hearing aid specialist, speech-language pathology assistant, nursing pool operator, physical therapist, physical therapist assistant, sex offender treatment provider, affiliate treatment provider certificate, and home care aide. Additional updates may be considered to ensure clarity and consistency of fees that are standard across all professions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of that profession. The office of financial management also requires professions to maintain a reasonable cash reserve to cover fluctuations in cash flow. Rule making is needed to ensure the department is in line with RCW 43.70.250 and the fees set are sufficient to cover the costs of licensing the professions.

The department received a petition from the Washington acupuncture and Eastern medicine association board requesting the department to lower the licensure fees for acupuncture and Eastern medicine practitioners. The department will consider this request as part of this rule making.

The department may also consider technical updates to ensure clarity and consistency of fees that are standard across professions.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4637, TTY 711, email HSQAfeerules@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates>, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: The department will use the existing GovDelivery list to inform stakeholders of opportunities to provide input on proposed rule language. Interested parties can join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

September 30, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 22-20-068
PREPROPOSAL STATEMENT OF INQUIRY
CLOVER PARK
TECHNICAL COLLEGE

[Filed September 30, 2022, 8:56 a.m.]

Subject of Possible Rule Making: Students at Clover Park Technical College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SHB 1751.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is an update to the student code of conduct to include additional guidance around hazing, per legislation 2SHB 1751.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Title IX.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dean Kelly, 4500 Steilacoom Boulevard, Lakewood, WA 98499, phone 253-589-6066, email dean.kelly@cptc.edu, website www.cptc.edu.

September 30, 2022

Dean Kelly

Interim Vice President for Student Success

WSR 22-20-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 30, 2022, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 246-453 WAC, Hospital Charity Care. The department of health (department) is considering amendments to implement new requirements in SSB 6273 (chapter 623, Laws of 2018) and SHB 1616 (chapter 197, Laws of 2022). Updates may be needed to ensure that the rules are current and align with best practices. The department will also consider adding a new section to address requirements for clarity and conciseness.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 6273 (chapter 623, Laws of 2018) and SHB 1616 (chapter 197, Laws of 2022).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 246-453 WAC, Hospital charity care, to align with changes made in SSB 6273 and SHB 1616. Both bills add several definitions to RCW 70.170.020 that modify or replace definitions currently in chapter 246-453 WAC. Additionally, both bills amend RCW 70.170.060; SSB 6273 creates new opportunities for patients to apply for charity care that are not currently addressed in chapter 246-453 WAC and SHB 1616 increases income thresholds for charity care eligibility and requires hospitals to provide prescriptive discounts in lieu of discounts based on a sliding scale. To comply with changes made by SSB 6273 and SHB 1616, the rules may need revisions. The department will also consider adding a new section to address requirements for clarity and conciseness.

Additionally, the department had previously worked with interested parties on a rules project responsive to SSB 6273 under CR-101 filed as WSR 18-18-073 and CR-102 filed as WSR 22-02-016, but is withdrawing that project to refile a new CR-101 that allows the implementation of additional statutory changes made by SHB 1616 in 2022.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carrie Baranowski, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-4210, fax 360-236-2830, TTY 711, email charitycare@doh.wa.gov.

Additional comments: Interested parties will be notified and kept updated throughout the rule-making process through GovDelivery and already established email lists. Interested parties will be invited to participate in rules workshops, provide comments at the proposal stage, and attend the public hearing. Join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

September 30, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 22-20-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 30, 2022, 12:10 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-444-0055 What are the penalties if I refuse or fail to meet basic food work requirements?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will more accurately align rule language with federal regulations related to basic food disqualification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Food and Nutrition Service.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joyce Hensen, P.O. Box 45470, Olympia, WA 98504-5470, phone 425-999-5162, email joyce.hensen@dshs.wa.gov.

September 30, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-20-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 3, 2022, 11:39 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0015 General information about your food assistance allotments, 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for basic food?, 388-450-0195 Does the department use my utility costs when calculating my basic food or WASHCAP benefits?, 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?, and 388-478-0060 What are the income limits and maximum benefit amounts for basic food?; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.010, 74.08A.120, and 74.08A.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) has issued annual updates to standards for the federal fiscal year 2023, effective October 1, 2022. These updates affect the standard deduction, shelter deduction, homeless shelter deduction, utility deduction, minimum and maximum allotments, and resource limits for the basic food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA FNS.

Process for Developing New Rule: The department invites the public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alexis Miller, P.O. Box 45470, Olympia, WA 98504-5470, phone 253-579-3144, email alexis.a.miller@dshs.wa.gov.

October 3, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-20-089

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed October 4, 2022, 9:25 a.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 468-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.28.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 47.28.070 authorizes the department to receive a questionnaire and financial statement prior to authorizing a proposal to a bidder. This process of obtaining information to determine that the bidder is qualified is referred to as "prequalification" and follows the process outlined in chapter 468-16 WAC. Due to process changes associated with working from home, WAC needs to be revised to allow for electronic submittal of performance reports. Also, changes in the law have created revisions to the prime contractor performance report which is shown in WAC and need to be added to contractor suspension criteria.

Process for Developing New Rule: The Washington state department of transportation welcomes you to participate in the rule-making process. If you are interested, please contact the staff person identified below. When we file a proposal with the office of the code reviser you will be sent this proposal and given an opportunity to comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jenna Kemp, P.O. Box 47360, Olympia, WA 98504-7360, phone 360-888-7045, fax 360-705-6810, email kempj@wsdot.wa.gov, website <https://wsdot.wa.gov/business-wsdot/how-do-business-us/public-works-contracts>.

October 4, 2022
Sam Wilson, Director
Business Support Services

WSR 22-20-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed October 4, 2022, 12:49 p.m.]

Subject of Possible Rule Making: Chapter 16-157 WAC, Organic food standards and certification. The Washington state department of agriculture (WSDA) is considering changes to the certification fee schedules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.010, 15.86.060, 15.86.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.86.070 requires rules to include a fee schedule that will provide for the recovery of the full cost of the program.

Overall program operating costs have increased since the last certification fee update in January 2019. To support the staff and resources necessary to provide certification services, an increase in the fees charged is needed. In addition, United States Department of Agriculture (USDA) organic regulations are being updated in the most significant new rule making in 20 years. Regulatory changes in response to growing and evolving markets will require increased technical assistance and resources to support the organic industry in Washington state. New regulations will also include added accreditation requirements for WSDA, resulting in added operating costs to meet expectations around oversight and enforcement of the federal organic standards.

WSDA fees must be adequate to ensure resources are in place to continue certification services in line with current operating costs and the updated federal requirements. WSDA is considering changes to chapter 16-157 WAC to ensure the continuation of quality services to all Washington businesses that want to produce, handle, and market organic products, domestically and abroad.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA National Organic Program (NOP) accredits WSDA to implement and enforce 7 C.F.R. Part 205. WSDA will communicate changes to chapter 16-157 WAC to NOP.

Process for Developing New Rule: WSDA staff will discuss rule making with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will also be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, TTY 800-833-6388 or 711, email organic@agr.wa.gov, website <https://agr.wa.gov/departments/organic>.

October 4, 2022
Luisa F. Castro
Assistant Director of Food Safety and
Consumer Services Division

WSR 22-20-113

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed October 5, 2022, 11:19 a.m.]

Subject of Possible Rule Making: Public disclosure WAC updates, chapter 308-10 WAC and WAC 308-93-087.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 42.56 and 46.10 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this chapter is to establish rules for the department of licensing (department) to implement the requirements of the Public Records Act, chapter 42.56 RCW. The department adopts these rules to provide full access to public records concerning the conduct of government, mindful of individuals' privacy rights. RCW 42.56.120 was updated in 2017 to clarify and expand what agencies may charge for creating copies of records. This WAC update will align the department's fee schedule with RCW. This update also clarifies the department's implementation of RCW 46.12.635. In addition, these WAC were last updated in 2006, whereas RCW have been updated four times since then. During this review, we also clarified, reorganized, and updated sections.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov.

October 5, 2022

Ellis Starrett

Rules and Policy Manager

WSR 22-20-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed October 5, 2022, 11:44 a.m.]

Subject of Possible Rule Making: WAC 308-61-195 Abandoned recreational vehicle—Criteria and required information, 308-61-197 Abandoned recreational vehicle—Application and review, 308-61-203 Abandoned recreational vehicle—Reimbursement, 308-61-207 Abandoned recreational vehicle—Turning over collections to the department, and 308-61-215 Abandoned recreational vehicle—Rates and caps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.53.010 Registered tow truck operators. Vehicle wreckers, scrap processors, and scrap metal businesses may apply for cost reimbursement for towing, transporting, storing, dismantling, and disposing abandoned recreational vehicles.

Department to develop rules, stakeholder work group. RCW 46.55.190 Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are formatted changes and clarified wording throughout all WAC listed under "Subject of possible rule making" above. Other changes are being made in accordance with stakeholder requests identified in the stakeholder work group authorized by RCW 46.53.010. These changes can improve the effectiveness of the abandoned RV reimbursement program by clarifying reimbursement criteria and aligning criteria with experiences of program participants. The proposed rule changes will incorporate stakeholder feedback on caps and rates, modify reimbursement criteria, and simplify the application process.

Process for Developing New Rule: Negotiated rule making; and parties interested in these rules may contact the individual below (John Hlavaty). The public may also participate by commenting after a CR-102 has been filed and amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Hlavaty, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0324, email john.hlavaty@dol.wa.gov; or Dora Calle, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3798, email dcalle@dol.wa.gov.

October 5, 2022
Ellis Starrett
Rules and Policy Manager