

a transparent plastic having a smooth, flat outer surface. The sheeting shall be weather resistant and have a protected, low tac, precoated adhesive backing. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-030, filed 10/1/85.]

WAC 204-94-040 Standards for reflectorized warning devices. Reflectorized warning devices used by law enforcement shall conform to those devices described in RCW 46.37.450 and requirements of the Washington state department of transportation standard specifications for road, bridge, and municipal construction, Section 9-28.6, "Enclosed lens reflective sheeting." These specifications are available through the State Commission on Equipment, General Administration Building AX-12, Olympia, Washington 98504, or the Department of Transportation, Transportation Building, Olympia, Washington 98504. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-040, filed 10/1/85.]

WAC 204-94-050 Placement of reflectorized warning devices. Whenever any vehicle is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality, at any time when lights are required by RCW 46.04.200, upon discovery of such disabled vehicle by law enforcement, a reflectorized device such as those defined in RCW 46.37.450 or WAC 204-94-030 shall be placed on the vehicle. [Statutory Authority: RCW 46.37.450 and 46.37.005. 85-20-091 (Order 004-85), § 204-94-050, filed 10/1/85.]

Title 212 WAC STATE FIRE MARSHAL

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Chapter 212-17 WAC FIREWORKS

WAC

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PART I--GENERAL

WAC 212-17-025 Definition—"Fireworks." The term "fireworks" shall mean any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, and which meets the definition of "common" or "special" fireworks. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-025, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-025, filed 11/2/82.]

WAC 212-17-035 Definition and classification—"Common fireworks." The term "common fireworks" shall mean any fireworks designed primarily to produce visible or audible effects by combustion. The term includes:

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial device.

(a) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(b) Roman candles. Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(c) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) Combination items. Fireworks devices containing combinations of two or more of the effects described in this section.

(4) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(5) Class C explosives classified on January 1, 1984, as common fireworks by the United States department of transportation except that the term shall not include firecrackers, salutes, chasers, skyrockets, or missile-type rockets. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-035, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-035, filed 11/2/82.]

WAC 212-17-040 Definition and classification-- "Special fireworks." The term "special fireworks" shall mean large fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes, but is not limited to:

(1) Sky rocket. Tubes not exceeding 1/2 inch (12.5 mm) inside diameter that may contain up to 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon

ignition. A burst of color or noise or both is produced at the height of flight.

(2) Missile-type rocket. A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability. Firework devices which use a cylindrical bore or rod for launching stability, even though the word "missile" may appear on the label, are not included in this category.

(3) Firecrackers, salutes. Small paper-wrapped or cardboard tube containing not more than 2 grains (130 mg) of explosive composition. Upon ignition, noise and a flash of light is produced.

(4) Chaser. Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

(5) Display pieces. Fireworks containing more than 2 grains (130 mg) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "common fireworks." Special fireworks are classified as Class B explosives by the United States Department of Transportation. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-040, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-040, filed 11/2/82.]

WAC 212-17-045 Definition and classification-- "Agricultural and wildlife fireworks." The term "agricultural and wildlife fireworks" shall mean (1) fireworks devices, including but not limited to, firecrackers containing more than 50 mg (.772 grains) of pyrotechnic composition designed to produce audible effects, which are distributed to farmers, ranchers and growers through a wildlife management program administered by the United States Department of Interior (or by equivalent state or local governmental agencies); and, such distribution is in response to a written application describing the wildlife management problem that requires use of such devices, is of a quantity no greater than required to control the problem described, and is where other means of control is unavailable or inadequate or, (2) seal control units, purchased under a Certificate of Inclusion, issued by the United States Department of Commerce, National Oceanic and Atmosphere Administration, or sold by bona fide dealers to licensed commercial fishermen or licensed commercial fishing boat owners for marine mammal control. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-045, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-045, filed 11/2/82.]

WAC 212-17-050 Firework device chemical content, construction. All common fireworks devices shall meet the following chemical content, design, and construction requirements.

(1) Prohibited chemicals. Fireworks devices shall not contain any of the following chemicals:

(a) Arsenic sulfide, arsenates, or arsenites.

- (b) Boron.
- (c) Chlorates, except:
 - (i) In colored smoke mixtures in which an equal or greater amount of sodium bicarbonate is included;
 - (ii) In caps and party poppers;
 - (iii) In those small items wherein the total powder content does not exceed four grams of which not greater than fifteen percent is potassium, sodium, or barium chlorate.
- (d) Gallates or gallic acid.
- (e) Magnesium (magnesium/aluminum alloys, called magalium, are permitted).
- (f) Mercury salts.
- (g) Phosphorus (red or white). EXCEPT that red phosphorus is permissible in caps and party poppers.
- (h) Picrates or picric acid.
- (i) Thiocyanates.
- (j) Titanium, except in particle size greater than 100-mesh.
- (k) Zirconium.
- (2) Fuses.
 - (a) Fireworks devices that require a fuse shall:
 - (i) Utilize only a fuse that has been treated or coated in such manner as to reduce the possibility of side ignition. Devices such as ground spinners that require a restricted orifice for proper thrust and contain less than 6 grams of pyrotechnic composition are exempt from this requirement.
 - (ii) Utilize only a fuse which will burn at least three seconds but not more than six seconds before ignition of the device.
 - (b) The fuse shall be securely attached so that it will support either the weight of the fireworks device plus eight ounces dead weight or double the weight of the device, whichever is less, without separation from the fireworks device.
- (3) Bases. The base or bottom of fireworks devices that are operated in a standing upright position shall have the minimum horizontal dimensions or the diameter of the base equal to at least one-third of the height of the device including any base or cap affixed thereto.
- (4) Pyrotechnic leakage. The pyrotechnic chamber in fireworks devices shall be sealed in a manner that prevents leakage of the pyrotechnic composition during shipping, handling and normal operation.
- (5) Burnout and blowout. The pyrotechnic chamber in fireworks devices shall be constructed in a manner to allow functioning in a normal manner without burnout or blowout.
- (6) Handles and spikes. Fireworks devices that are intended to be hand-held and are so labeled shall incorporate a handle at least four inches in length. Handles shall remain firmly attached during transportation, handling and full operation of the device, or shall consist of an integral section of the device at least four inches below the pyrotechnic chamber. Spikes provided with fireworks devices shall protrude at least two inches from the base of the device and shall have a blunt tip not less than 1/8 inch in diameter or 1/8 inch square.
- (7) Wheel devices. Drivers in fireworks devices commonly known as "wheels" shall be securely attached to

the device so that they will not come loose in transportation, handling, and normal operation. Wheel devices intended to operate in a fixed location shall be designed in such a manner that the axle remains attached to the device during normal operation.

(8) Toy smoke devices and flitter devices.

(a) Toy smoke devices shall be so constructed that they will neither burst nor produce external flame (excluding the fuse and firstfire upon ignition) during normal operation.

(b) Toy smoke devices and flitter devices shall not be of such color and configuration so as to be confused with banned fireworks such as M-80 salutes, silver salutes, or cherry bombs.

(c) Toy smoke devices shall not incorporate plastic as an exterior material if the pyrotechnic composition comes in direct contact with the plastic.

(9) Rockets with sticks. Rockets with sticks (including sky rockets and bottle rockets) shall utilize a straight and rigid stick to provide a direct and stable flight. Such sticks shall remain straight and rigid and attached to the driver so as to prevent the stick from being damaged or detached during transportation, handling, or normal operation.

(10) Party poppers. Party poppers (also known by other names such as "champagne party poppers" and "party surprise poppers" shall not contain more than 0.25 grains of pyrotechnic composition. Such devices may contain soft paper or cloth inserts provided any such inserts do not ignite during normal operation. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-050, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-050, filed 11/2/82.]

WAC 212-17-055 Firework device, labeling. (1) Any common fireworks device not required to have a specific label by 16 CFR 1500.14(b)(7), 1981, as of October 29, 1982, shall carry a warning label indicating to the user where and how the item is to be used and necessary safety precautions to be observed.

(2) Every fireworks device, or fireworks device container where the device is packaged in an immediate container intended or suitable for delivery to the ultimate consumer, shall be conspicuously labeled with the name and place of business of the manufacturer, packer, distributor, or seller and the United States Department of Transportation designation as "Class C common fireworks" or "Class B special fireworks."

(3) All label wording shall be prominently located, in the English language, and in conspicuous and legible type in contrast by typography, layout, or color with the printed matter on the fireworks device or container. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-055, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-055, filed 11/2/82.]

WAC 212-17-060 Public purchase of fireworks. (1) The public may purchase common fireworks only from licensed retail fireworks stands between noon, June 28th and noon, July 6th of each year. Purchase or discharge is prohibited between the hours of 11:00 p.m. and 9:00 a.m. Possession and discharge of fireworks is lawful during this period only, except as provided in subsection (2) of this section.

(2) Religious organizations or private organizations or adult persons may be authorized to purchase common fireworks or such audible ground devices as firecrackers, salutes, and chasers, as defined in WAC 212-17-040 (3) and (4) from licensed manufacturers, importers, or wholesalers for use on prescribed dates and locations for religious or specific purposes, when a permit is obtained from the fire chief or other designated local official. Application shall be on forms provided by the state fire marshal and shall contain the following information: (a) The name and mailing address of the organization or person desiring to purchase and discharge the fireworks; (b) the date and time of the proposed discharge; (c) the location of the proposed discharge; (d) the quantity and type of fireworks desired to be purchased and discharged; (e) the reason or purpose of the discharge; and (f) the signature of the applicant, following a statement that: "The applicant understands and agrees to comply with all provisions of the application and requirements of the approving authority, will discharge the fireworks only in a manner that will not endanger persons or property or constitute a nuisance, and assumes full responsibility for all consequences of the discharge, intended or not." Upon approval by the fire official, the applicant may submit a copy of the approval to any licensed wholesaler as proof of authorization to purchase the fireworks listed therein. The applicant shall retain the approval and have it available for inspection by any public official at the actual discharge of the fireworks. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-060, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-060, filed 11/2/82.]

PART II--MANUFACTURER

WAC 212-17-065 Fireworks manufacturer--General. Persons intending to manufacture fireworks in this state shall procure a license from the state fire marshal and a permit from the local governmental agency having jurisdiction prior to engaging in business. Applications for license shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application. License applications shall be made on or before January 31 of the year for which the license is desired. Fireworks manufacturers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the state fire marshal. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-065, filed 11/9/84. Statutory Authority: RCW 70.77.250 and

chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-065, filed 11/2/82.]

WAC 212-17-070 Fireworks manufacturer--Licensing. Upon receipt of application and license fee, the state fire marshal will cause an investigation to be made. If the investigation discloses compliance with state laws governing the manufacture of fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then the applicant shall be notified in writing of the reason why license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. License applications shall be either granted or denied by the state fire marshal within ninety days following receipt of a properly submitted or amended application. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-070, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-070, filed 11/2/82.]

PART III--WHOLESALER

WAC 212-17-115 Fireworks wholesaler--General. Fireworks wholesaler licenses cover those persons engaged in the business of selling fireworks at wholesale to licensed persons in this state. Wholesale licensees may transport the class of fireworks for which they hold a valid license. Fireworks wholesalers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the state fire marshal. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-115, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-115, filed 11/2/82.]

WAC 212-17-120 Fireworks wholesaler--Licensing. Persons intending to engage in the sale of fireworks at wholesale in this state shall procure a license from the state fire marshal. A permit from the local governmental agency having jurisdiction shall also be obtained for the storage of all classes and types of fireworks in possession of the wholesaler licensee. The application shall be made on forms provided by the state fire marshal and the annual license fee shall accompany the application. License applications shall be made on or before January 31 of the year for which the license is desired. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-120, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-120, filed 11/2/82.]

WAC 212-17-125 Fireworks wholesaler--Investigation. Upon receipt of an application and the license fee, the state fire marshal will cause an investigation to be made. If the investigation discloses compliance with state laws governing fireworks and that granting of a license would not be contrary to public safety or welfare, a license will be granted. If the license is denied, then

the applicant shall be notified in writing of the reason why the license was denied, and he shall be given an opportunity to make such alterations and corrections as are deemed necessary. License applications shall be either granted or denied by the state fire marshal within ninety days following receipt of a properly submitted or amended application. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-125, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-125, filed 11/2/82.]

PART IV--IMPORTER

WAC 212-17-165 Importers of fireworks--General. Importer fireworks licenses are for the importation of fireworks to this state. Such a license does not authorize the licensee to engage in wholesale or retail trade or in any other activity requiring a special fireworks license. Fireworks importers domiciled in other than the state of Washington shall have a designated agent in the state of Washington, registered with the state fire marshal. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-165, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-165, filed 11/2/82.]

WAC 212-17-170 Importers of fireworks--Licensing. Every person who desires to import fireworks to this state shall file application and procure a license. Application shall be made on forms provided by the state fire marshal and shall be accompanied by the required license fee. License applications shall be made on or before January 31 of the year for which the license is desired. The application shall be either granted or denied by the state fire marshal within ninety days following receipt of a properly submitted or amended application. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-170, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-170, filed 11/2/82.]

PART V--RETAILER

WAC 212-17-185 Retailers of fireworks--General. Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the state fire marshal. In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction. The application shall be made on forms provided by the state fire marshal and shall be accompanied by the license fee of ten dollars. License applications shall be made on or before June 10 of the year for which the license is desired. The state fire marshal shall grant or deny the license within fifteen days of receipt of the application. Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained. A retailer's license to sell fireworks

shall not authorize licensee to engage in any other fireworks activity. Retailers are limited to selling only those fireworks which have been approved for sale to the public and appear on the list of approved fireworks published annually by the state fire marshal. A copy of the list shall be prominently posted at each retail outlet. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-185, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-185, filed 11/2/82.]

WAC 212-17-190 Retailers of fireworks--Sales dates. Retail fireworks licenses are for the retail sales of fireworks from 12 noon on the twenty-eighth day of June to 12 noon on the sixth day of July except that no fireworks may be sold to the public between the hours of 11:00 p.m. and 9:00 a.m. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-190, filed 11/9/84. Statutory Authority: RCW 70.77.250 and chapter 48.48 RCW. 82-22-068 (Order FM 82-10), § 212-17-190, filed 11/2/82.]

WAC 212-17-198 Retailers of fireworks--List. The following is the list of fireworks that may be sold to the public.

(1) Ground and hand-held sparkling devices.

(a) Dipped stick, sparkler. Stick, or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed 100 grams per item. Those devices containing any perchlorate or chlorate salts may not exceed 5 grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item, not Class C explosives under DOT regulations, are included in this category.

(b) Cylindrical fountain. Cylindrical tubes not more than 3/4 inch (19 mm) inside diameter, containing up to 75 grams of pyrotechnic composition. Upon ignition, a shower of colored sparks, and sometimes a whistling effect is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain).

(c) Cone fountain. Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.

(d) Illuminating torch. Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base, or hand-held.

(e) Wheel. Pyrotechnic device attached to a post or tree by means of a nail or string. Each wheel may contain up to six "driver" units; tubes not exceeding 1/2 inch (12.5 mm) inside diameter and containing up to 60 grams of pyrotechnic composition. Total pyrotechnic composition of each wheel shall not exceed 240 grams. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

(f) Ground spinner. Small device similar to a wheel in design and effect and placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.

(g) Flitter sparkler. Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. This device does not have a fuse for ignition. The paper at one end of the tube is ignited to make the device function.

(2) Aerial devices.

(a) Helicopter, aerial spinner. A tube not more than 1/2 inch (12.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

(b) Roman candles. Heavy paper or cardboard tube not exceeding 3/8 inch (9.5 mm) inside diameter and containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several-second intervals.

(c) Mine, shell. Heavy cardboard or paper tube up to 2 1/2 inches (63.5 mm) inside diameter attached to a wood or plastic base and containing up to 40 grams of pyrotechnic composition. Upon ignition, "stars," firecrackers, or other devices are propelled into the air. The tube remains on the ground.

(3) Combination items. Fireworks devices containing combinations of two or more of the effects described in this section.

(4) Smoke device. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(5) Class C explosives classified on January 1, 1984 as common fireworks by the United States department of transportation except that the term shall not include firecrackers, salutes, chasers, skyrockets or missile-type rockets. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-198, filed 11/9/84.]

WAC 212-17-203 Retailers of fireworks—List to be posted. Retailers shall post prominently at each retail outlet a list of the fireworks that may be sold to the public. The posted list shall be in a form approved by the state fire marshal. The state fire marshal shall make available the list. [Statutory Authority: RCW 70.77.250. 84-23-009 (Order FM 84-05), § 212-17-203, filed 11/9/84.]

**Chapter 212-50 WAC
IDENTIFICATION FOR ALTERNATIVE FUEL
SOURCE MOTOR VEHICLES**

WAC

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212-50-020	Application and scope.
212-50-030	Definitions.
212-50-040	Placard issuance.
212-50-050	Placard design and size.
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212-50-070	Placement of vehicle.
212-50-080	Severability.

WAC 212-50-010 Administration, authority. These rules are adopted pursuant to chapter 145, Laws of 1984 and RCW 46.37.467 to provide for an identification placard to be issued for vehicles using an alternative fuel source. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-010, filed 10/23/84.]

WAC 212-50-020 Application and scope. The provisions of these rules shall apply to every automobile, including buses, truck, motorcycle, motor home or off-road vehicle that is fueled by an alternative fuel sources. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-020, filed 10/23/84.]

WAC 212-50-030 Definitions. (1) "Alternative fuel source," as used in this chapter, includes: Propane, compressed natural gas, liquid petroleum gas, alcohol, or any chemically similar gas, but does not include gasoline or diesel fuel.

(2) "National Fire Protection Association" means the nationally recognized organization dedicated to fire safety and development of standards for fire protection and safeguarding of hazards, whose headquarters are located at Batterymarch Park, Quincy, MA 02269. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-030, filed 10/23/84.]

WAC 212-50-040 Placard issuance. Until such time as the National Fire Protection Association issues a specific placard for a specific alternative fuel source, the placard designed by the state fire marshal, as set out in these rules, shall be required. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-040, filed 10/23/84.]

WAC 212-50-050 Placard design and size. The placard shall be a weather resistant, diamond shaped label, 4-3/4 inches long and 3-1/4 inches wide. Lettering shall be a minimum of one inch in height, and centered horizontally across the placard. The label shall be of contrasting reflective luminous material and have a 1/8 inch border. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-050, filed 10/23/84.]

WAC 212-50-060 Placard designations. The placard for propane or liquified petroleum gas shall include the lettering "PROPANE." Lettering and boarder shall be silver on a black background. The placard for compressed natural gas shall include the lettering "CNG" across the center. The border and lettering shall be silver on a blue background. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-060, filed 10/23/84.]

WAC 212-50-070 Placement on vehicle. The label shall be placed on an exterior vertical or near-vertical surface on the lower right rear of the vehicle (on the

trunk lid of a vehicle so equipped, but not on the bumper of any vehicle) inboard from any other markings. The label shall be provided with a good quality self-adhering adhesive. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-070, filed 10/23/84.]

WAC 212-50-080 Severability. If any provision of these rules or its application to any person is held invalid, the remainder of the rules or the application of the provision to other persons or circumstances is not affected. [Statutory Authority: RCW 46.37.467(3). 84-21-109 (Order FM 84-04), § 212-50-080, filed 10/23/84.]

Chapter 212-70 WAC

GROUP CARE FACILITIES FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN—STANDARDS FOR FIRE PROTECTION

WAC

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212-70-230	Fire drills.
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212-70-250	Alternate methods.
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WAC 212-70-010 Purpose. The purpose of these regulations is to identify the minimum standard fire and life safety requirements for buildings used as group care facilities for severely and multiply-handicapped children, which require state fire marshal approval in accordance with chapter 74.15 RCW. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-010, filed 6/25/84.]

WAC 212-70-020 Definitions. All terms not defined in this section, but which are defined in chapter 388-73 WAC, shall receive the definition and construction given them by chapter 388-73 WAC, unless the context clearly indicates otherwise.

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him, or by reason

of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW.

(3) "Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards.

(4) "Fire official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act, chapter 19.27 RCW.

(5) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

(6) "Licensing agency" means the Washington state department of social and health services.

(7) "Person, nonambulatory," is one who is incapable of leaving a fire area within a reasonable length of time without assistance in event of an emergency.

(8) "Smoke detector" means an approved device which senses visible or invisible particles of combustion. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-020, filed 6/25/84.]

WAC 212-70-030 Inspections and approval. (1) Upon receipt of an application for a license to operate a group care facility for severely and multiply-handicapped children, or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal. The state fire marshal or his designated representative shall inspect the facility. If the facility fails to meet the requirements contained in this regulation, a written report shall be forwarded to the applicant or licensee, indicating the violations noted and corrective action required. Upon expiration of the time specified for corrective action, a reinspection shall be made to determine compliance.

(2) Upon completion of the inspection and the facility is found to be in compliance with this regulation, notification of approval shall be forwarded to the licensing agency, and a certificate of compliance shall be forwarded to the applicant or licensee. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-030, filed 6/25/84.]

WAC 212-70-040 Right of appeal. An owner or occupant aggrieved by any such order made by a deputy state fire marshal may within five days after the date of the order appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force and be complied with by the owner or occupant. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-040, filed 6/25/84.]

WAC 212-70-050 Contact with local building and fire officials. The applicant for a license to operate a group care facility for severely and multiply-handicapped children shall obtain the approval of the local building official and fire official of the city, town, or county where the facility is located, and verify that all local building code and fire code requirements have been met. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-050, filed 6/25/84.]

WAC 212-70-060 Construction requirements--New construction. (1) Group care facilities serving severely or multiply-handicapped children, constructed or licensed after the effective date of these regulations, shall comply with the Group I, Division 1, Occupancy Requirements, Uniform Building Code, 1982 edition. Compliance with the Uniform Building Code requirements are the minimum construction standards necessary for ensuring state fire marshal approval of such group care facilities.

(2) No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction. Alterations or installations of new building services equipment shall be accomplished in conformance with the requirements for new construction. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-060, filed 6/25/84.]

WAC 212-70-070 Construction requirements--Existing facilities. Group care facilities serving severely and multiply-handicapped children in existence prior to the effective date of these regulations, shall comply with all the fire and life safety requirements contained in WAC 212-70-080 through 212-70-260. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-070, filed 6/25/84.]

WAC 212-70-080 Design, operation. All facilities shall be so designed, constructed, maintained, and operated as to minimize the possibility of a fire emergency requiring the evacuation of residents. The protection of residents from fire shall be provided by appropriate arrangement of facilities, adequate staffing, and careful development of operating and maintenance procedures composed of the following:

(1) Proper design, construction, and compartmentation.

(2) Provision for detection, alarm, and fire extinguishment.

(3) Fire prevention and planning, training and drilling programs for the isolation of fire, transfer of residents to areas of refuge, or evacuation of the building. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-080, filed 6/25/84.]

WAC 212-70-090 Additions. Any addition shall be separated from any existing nonconforming structure by a fire wall having at least a two hour fire-resistive rating. Communicating openings in the fire wall shall occur only in corridors and shall be protected by approved self-closing fire doors. [Statutory Authority: Chapter

74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-090, filed 6/25/84.]

WAC 212-70-100 Mixed occupancies. Sections of the group care facility not providing customary services such as housing or treatment may be classified as a different occupancy if adequately separated by construction having a fire resistance rating of at least two hours. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-100, filed 6/25/84.]

WAC 212-70-110 Interior stairway enclosure. Every interior stairway, including landings between flights, shall be enclosed with walls of at least one hour fire-resistive construction. Doors entering stairway enclosures shall be not less than one hour fire resistive assemblies, maintained self-closing and positive latching. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-110, filed 6/25/84.]

WAC 212-70-120 Other vertical openings. Elevators, dumbwaiters, laundry and rubbish chutes, pipe chases and other openings between floors shall be enclosed in not less than one hour fire resistive continuous shafts, with all openings provided with one hour self-closing and positive latching fire assemblies. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-120, filed 6/25/84.]

WAC 212-70-130 Fire alarm. Every group home for severely and multiply-handicapped children shall have an approved, electrically supervised manual fire alarm system. Operation of any fire alarm initiating device shall automatically, without delay, activate a general alarm throughout the building. The fire alarm system shall automatically transmit a signal off the premises by the most direct and reliable method approved by the state fire marshal. These include, but are not limited to, in order of preference:

(1) A direct connection of the building alarm to a municipal alarm system.

(2) A direct connection of the building alarm to an approved central station.

Annunciators shall be provided where the system serves more than one floor, one building or one fire division. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-130, filed 6/25/84.]

WAC 212-70-140 Smoke detection system. An approved, automatic smoke detection system shall be installed in all corridors and resident sleeping rooms. Detectors installed in corridors shall not be spaced further than thirty feet apart nor more than fifteen feet from any wall, and shall be electrically interconnected with the fire alarm system. Detectors in residents sleeping rooms shall be installed on the ceiling above the bed or on the sidewall in accordance with nationally recognized standards. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-140, filed 6/25/84.]

WAC 212-70-150 Automatic fire sprinkler system.

(1) Every group care facility for severely and multiply-handicapped children shall be equipped with an approved automatic fire sprinkler system.

(2) The sprinkler system shall be electrically supervised with flow and tamper switches monitored by an approved central station or the local fire jurisdiction responsible for fire protection.

(3) The required fire department connections shall be installed at a location specified by the fire chief. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-150, filed 6/25/84.]

WAC 212-70-160 Windows in sleeping rooms.

Every sleeping room below the fourth floor shall have an outside window or outside door arranged and located so that it can be opened from the inside without the use of tools or keys to permit the venting of products of combustion and to permit any occupant to have direct access to fresh air in case of emergency. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-160, filed 6/25/84.]

WAC 212-70-170 Interior finish. The flame spread rating of ceiling and wall finish materials shall not exceed the following:

(1) Enclosed vertical exitways—75 or less.

(2) Other exitways—200 or less. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-170, filed 6/25/84.]

WAC 212-70-180 Exits. At least two remote exits shall be provided in accordance with the following guidelines:

(1) On each floor occupied by residents;

(2) Rooms or spaces having an occupant capacity of six or more residents;

(3) Additional exits may be required by the state fire marshal to eliminate dead end corridors in excess of twenty feet, or where occupancy requirements dictate the need for additional exits. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-180, filed 6/25/84.]

WAC 212-70-190 Exit identification. Every required exit door shall be identified by an electrically operated internally illuminated exit sign of such size, color and dimension as to be readily visible. Where the exit is not readily visible from any point in the exit system, exit directional signs shall be provided to indicate the direction to the exit door. Exit signs shall be operational at all times the group care facility is occupied. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-190, filed 6/25/84.]

WAC 212-70-200 Emergency lighting. Every group care facility for severely and multiply-handicapped children shall be equipped with an emergency exit lighting system. The system shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as any failure

of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities. The emergency lighting system shall include, as a minimum, the following provisions:

(1) Where maintenance of illumination depends upon changing from one energy source to another, there shall be no appreciable interruption of illumination during the changeover. Where emergency lighting is provided by an electric generator set, a delay of not more than ten seconds shall be permitted.

(2) Electric battery-operated emergency lights shall use only reliable types of storage batteries, provided with suitable facilities for maintenance in properly charged conditions.

(3) Emergency lighting facilities shall be arranged to maintain illumination to values of not less than one footcandle measured at the floor for a period of one-half hour, or one hour in buildings of one hundred twenty feet or more in height.

(4) Emergency lighting shall be provided in, but not necessarily be limited to such locations as exit corridors, exit passageways, exit stairways, exit doorways, and staff nurse or supervisor's locations. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-200, filed 6/25/84.]

WAC 212-70-210 Staff training. The staff of the group care facility shall maintain proficiency in their area of responsibility, with respect to the fire and evacuation plan. The licensee or administrator shall ensure that all employees are instructed and informed of their respective duties as defined in the plan. Special training classes shall be conducted to ensure that all the staff can react to fire emergencies. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-210, filed 6/25/84.]

WAC 212-70-220 Fire and evacuation plan. The licensee or administrator of every group care facility for severely and multiply-handicapped children shall have in effect, and available to all supervisory personnel, written copies of a plan for the protection of all persons in the event of fire and for their evacuation to areas of refuge and, when necessary, evacuation from the building. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-220, filed 6/25/84.]

WAC 212-70-230 Fire drills. At least twelve fire drills shall be held every year. Drills shall be conducted quarterly on each shift to familiarize personnel with signals and emergency action required under varied conditions. When drills are conducted between 9:00 p.m. and 6:00 a.m., a verbal or coded announcement may be used instead of audible alarm. Fire drills shall include the transmission of a fire alarm signal and simulation of emergency fire conditions. [Statutory Authority: Chapter 74.15 RCW. 84-14-015 (Order FM 84-02), § 212-70-230, filed 6/25/84.]

WAC 212-70-240 Maintenance. Fire protection systems, equipment and devices shall be properly maintained as follows:

(1) Manual fire alarm systems shall be operationally tested by the facility staff at least once each month. A record of the operational tests shall be maintained on the premises.

(2) Automatic fire detection systems shall be inspected at least annually. The inspection shall be conducted by a person or company with the required licenses, technical qualifications, and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(3) Sprinkler systems shall be inspected at least annually. The inspection shall be conducted by a person or company with the required licenses, technical qualifications, and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(4) Automatic smoke detection devices (single station) shall be operationally tested at monthly intervals by the facility staff, in accordance with the instructions supplied by the manufacturer. A record of the operational tests shall be maintained on the premises.

(5) At monthly intervals, the facility staff shall accomplish a visual inspection of fire extinguishers. The visual inspection must provide a reasonable assurance that the extinguisher is operational, and at its proper location. Monthly visual inspections shall be recorded, indicating the date inspected and initials of the inspector.

(6) Self-closing fire doors shall be maintained in the closed position, except where they are held open on approved door releases activated by products of combustion detectors other than heat. Under no conditions shall manually activated door stops be installed on a fire door. Use of wedges to block fire doors in the open position is prohibited.

(7) Fire door hardware, latches and closing devices shall be maintained in proper working condition.

(8) Corridor, stairway and exit lights shall be inspected daily. Burned-out bulbs shall be promptly replaced.

(9) Fire retardant paints or solutions shall be renewed at intervals necessary to maintain the fire retardant properties of the object or exposure to which it has been applied.

(10) "No smoking" signs shall be posted in rooms or areas where the state fire marshal determines smoking to be hazardous. Where smoking is permitted, suitable ash trays or receptacles shall be provided to deposit used smoking materials. [Statutory Authority: Chapter 74.15 RCW, 84-14-015 (Order FM 84-02), § 212-70-240, filed 6/25/84.]

WAC 212-70-250 Alternate methods. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter

of this regulation. The particulars of such modification may be granted or allowed: *Provided*, That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee. [Statutory Authority: Chapter 74.15 RCW, 84-14-015 (Order FM 84-02), § 212-70-250, filed 6/25/84.]

WAC 212-70-260 Severability. If any provision of this regulation, or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected. [Statutory Authority: Chapter 74.15 RCW, 84-14-015 (Order FM 84-02), § 212-70-260, filed 6/25/84.]

Chapter 212-75 WAC

POSTING PREMISES PROTECTED BY GUARD ANIMALS

WAC

212-75-001 Purpose.
212-75-005 Minimum specifications for approved signs.

WAC 212-75-001 Purpose. The purpose of this chapter is to describe the minimum specifications for approved signs warning of the presence of guard animals, as required by RCW 48.48.150. [Statutory Authority: RCW 48.48.150(1), 84-08-018 (Order FM 84-01), § 212-75-001, filed 3/27/84.]

WAC 212-75-005 Minimum specifications for approved signs. To be approved by the state fire marshal, a sign warning of the presence of guard animals as required by RCW 48.48.150 shall satisfy the following two conditions:

(1) The sign must be at least 3" by 5" (three inches in height by five inches in length), though it may be larger; and

(2) The sign must bear the following caption in bold print at least 1/2" (one-half inch) high: "CAUTION! PREMISES PROTECTED BY GUARD ANIMALS." [Statutory Authority: RCW 48.48.150(1), 84-08-018 (Order FM 84-01), § 212-75-005, filed 3/27/84.]

Title 220 WAC

FISHERIES, DEPARTMENT OF

Chapters

220-12 Food fish and shellfish--Classified.
220-16 Definitions.
220-20 General provisions.
220-22 Management and catch reporting areas.
220-32 Columbia River.
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